

RALPH P. EAGERTON - Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, AT LAW

VS.

LEE JOHN WARD - Defendant

CASE NO. (not given)

3110

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW

I, Mary Texas Hurt, Secretary of State, hereby certify that on December 11, 1956
I sent by registered mail in an envelope addressed as follows:

"Lee John Ward
716 West Pearl Street
Jackson, Mississippi"

"Registered Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

"Lee John Ward
716 West Pearl Street
Jackson, Mississippi

You will take notice that on December 11, 1956 the Sheriff of
Montgomery County, Alabama, served upon me, in my official capacity, Summons and
Complaint in a case entitled: RALPH P. EAGERTON, Plaintiff VS LEE JOHN WARD,
Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. (not given) true copy of which Summons and Complaint is attached hereto
and the said service upon me as Secretary of State of the State of Alabama has the force
and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 11
day of December 1956.

Enclosure (1)

(Signed) Mary Texas Hurt
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed
as above set forth had attached to it a true copy of the Summons and Complaint in the above-
styled cause.

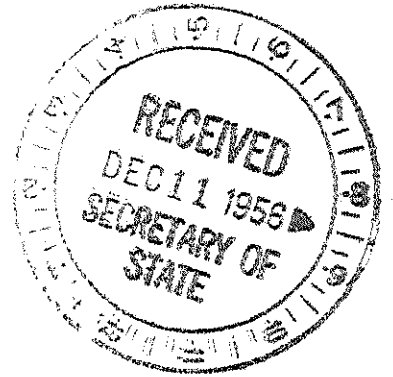
I further certify that on December 11, 1956 I received the
return card, showing receipt by the designated addressee of the aforementioned matter
at (not given) on December 12, 1956

WITNESS MY HAND and the Great Seal of the State of Alabama this the 21 day
of December 1956.

Mary Texas Hurt
Mary Texas Hurt
Secretary of State

Enclosures: Return Receipt Card and
copy of Summons and
Complaint.

cc: Messrs. Chason and Stone, Attorneys at Law
Bay Minette, Alabama



STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Lee John Ward to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Ralph P. Egerton.

Witness my hand this 10th day of December, 1956.

Reice J. Duce
Clerk

RALPH P. EAGERTON,	I	IN THE CIRCUIT COURT
Plaintiff,	I	OF BALDWIN COUNTY,
VS.	I	ALABAMA, AT LAW.
LEE JOHN WARD,	I	NO. _____
Defendant.	I	

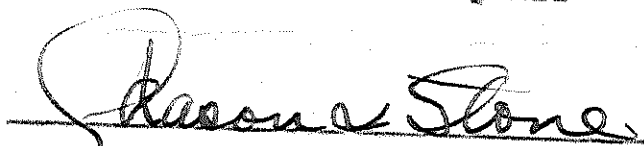

COUNT ONE

Plaintiff claims of the Defendant the sum of Fifteen Thousand (\$15,000.00) Dollars as damages for that on, to-wit, the 26th day of April, 1956, the Defendant, Lee John Ward, so negligently operated a motor vehicle on U. S. Highway 90 at or near Loxley School in the Town or Village of Loxley, Baldwin County, Alabama, as to cause or allow the same to run upon or against the automobile in which the Plaintiff and his wife, Maude M. Eagerton, were riding, as the proximate result of which negligence Plaintiff's wife was permanently and seriously injured as follows: She suffered an injury behind the right ear and a cerebral concussion, her left knee cap was broken and fractured, her nose was broken and fractured, and her right knee was injured and contused; her auditory nerves were injured and her hearing impaired; she was internally injured, and otherwise bruised, injured and lacerated in and about her limbs and body; she suffered a severe nervous shock and great physical pain and mental anguish; she had to undergo operations as the result of said injuries; she was confined to hospitals and in bed for a long period of time and the Plaintiff incurred large doctors', hospital, nurses', and medical expenses in and about the treatment of his wife's said injuries; he suffered and will continue to suffer loss of the services and the consortium of his wife for a long period of time; and as a further result of the Defendant's said negligence Plaintiff's automobile was totally broken up and demolished.



WHEREFORE, Plaintiff brings this suit and asks judgment for the above amount.

COUNT TWO

The Plaintiff claims of the Defendant the other and further sum of Fifteen Thousand (\$15,000.00) Dollars for that on, to-wit, the 26th day of April, 1936, the Defendant wantonly injured Maude M. Hagerton, the wife of the Plaintiff and also Plaintiff's automobile, at or near Loxley School on U. S. Highway 90 in or near the Village or Town of Loxley, Baldwin County, Alabama, by wantonly causing a motor vehicle which he was then and there operating to run into or against an automobile in which Plaintiff and his said wife were riding, as the proximate result of which negligence Plaintiff's wife was permanently and seriously injured as follows: She suffered an injury behind the right ear and a cerebral concussion, her left knee cap was broken and fractured, her nose was broken and fractured, and her right knee was injured and contused; her auditory nerves were injured and her hearing impaired; she was internally injured, and otherwise bruised, injured and lacerated in and about her limbs and body; she suffered a severe nervous shock and great physical pain and mental anguish; she had to undergo operations as the result of said injuries; she was confined to hospitals and in bed for a long period of time, and the Plaintiff incurred large doctors', hospital, nurses' and medical expenses in and about the treatment of his wife's said injuries; he suffered and will continue to suffer loss of the services and the consortium of his wife for a long period of time; and as a further result of the Defendant's said negligence Plaintiff's automobile was totally broken up and demolished.



Attorneys for Plaintiff

Plaintiff demands a trial by jury of the above entitled cause.



Attorneys for Plaintiff

Note to the Circuit Clerk of Baldwin County, Alabama:

The Defendant, Lee John Ward, is now, and was at the time complained of, a non-resident of Alabama, residing in Jackson, Hinds County, Mississippi, his address being 716 West Pearl Street, Jackson, Mississippi. Service of process should be had upon him as provided by Section 198 of Title 7 of Alabama Code of 1940.

Grason & Stone

John W. McCall & J. H. Stone

Attorneys for Plaintiff

OFFICE OF THE CLERK

ALABAMA

RECEIVED

01/10

Defendant.

CIVIL ACTION NO.

PETITION FOR REMOVAL

Now comes Lee John Ward, Defendant in the cause above entitled, and files this, his petition for removal, and represents and shows unto this Honorable Court as follows:-

1. On December 10, 1956, a civil action was filed in the Circuit Court of Baldwin County, Alabama, in which Ralph P. Bagerton is Plaintiff and your Petitioner, Lee John Ward, is the Defendant. The summons and complaint were served on Mary Texas Hurt Garner, Secretary of State of the State of Alabama, on the 11th day of December, 1956 and the said summons and complaint were on the 11th day of December, 1956, addressed to your Petitioner, Lee John Ward, by Registered Mail with return receipt requested, and the same were received by your Petitioner on or about the 18th day of December, 1956. A copy of the said summons and complaint, being the only process, pleading or order served upon Petitioner in said action, is attached hereto and made a part hereof, with leave of reference thereto as often as may be necessary. Petitioner has not in any way appeared or filed any appearance or other pleadings in said cause in the Circuit Court of Baldwin County, Alabama, and the time within which Petitioner is by the laws of Alabama and the applicable rules of practice required to plead, answer or demur to the complaint in said cause has not yet expired.

2. Less than twenty (20) days have expired since the service of process in said cause as aforesaid.

3. This is a civil action wherein the matter in controversy exceeds the sum or value of Three Thousand and No/100 (\$3,000.00) Dollars, exclusive of interest and costs, and is between citizens

of different states; and this court has jurisdiction of said action and cause for that:-

(a) At the time of the institution of said suit in the Circuit Court of Baldwin County, Alabama, Plaintiff Ralph P. Egerton was, and now is, a citizen and resident of the State of Alabama, and was at all times herein mentioned a citizen and resident of the State of Alabama. At the time of the alleged accident described in the complaint, Plaintiff was residing at Montgomery, Alabama, in Montgomery County, and the said accident is alleged to have occurred in Baldwin County, Alabama, which is within the jurisdiction of the United States District Court for the Southern District of Alabama, Southern Division. Petitioner is informed and believes that the present address of the Plaintiff, Ralph P. Egerton, is Montgomery, Alabama. Petitioner-Defendant Lee John Ward is and was at all times herein mentioned a citizen and resident of the State of Mississippi.

(b) In said civil action, as shown by and in the summons and complaint, a copy of which is hereto attached, it appears that the matter in controversy exceeds the sum or value of Three Thousand and No/100 (\$3,000.00) Dollars, exclusive of interest and costs, in that the Plaintiff claims of the Defendant the sum of Fifteen Thousand and No/100 (\$15,000.00) Dollars for the loss of the services and the consortium of his wife, Maude M. Egerton, and for damages to Plaintiff's automobile, which said injuries were alleged to have been received in an accident occurring on, to-wit, April 26, 1956 in Baldwin County, Alabama, and which Plaintiff alleges was caused by the negligence of the Defendant in negligently causing or allowing a motor vehicle then and there allegedly operated by the Defendant to run upon or against an automobile in which the Plaintiff and his said wife were riding. Defendant denies any liability to Plaintiff, and denies any negligence, and denies the Plaintiff's injuries, if any there be, were negligently or otherwise caused by this Defendant.

4. Petitioner files herewith a bond with good and sufficient surety, conditioned that the Defendant will pay all costs and

disbursements incurred by reason of the removal proceeding, should it be determined that the case was not removable or was improperly removed hereto.

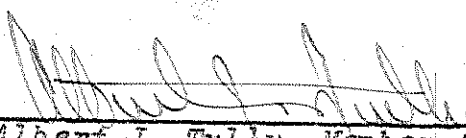
5. Petitioner avers that he has given written notice of the filing of this petition and bond to Plaintiff by serving on Plaintiff's attorney of record in this cause a copy of the petition and bond, a copy of which notice is hereto attached as Exhibit "A" and made a part hereof.

6. Petitioner further avers that he has filed a copy of this petition with the Clerk of the Circuit Court of Baldwin County, Alabama.

WHEREFORE, Petitioner prays that his bond filed herewith be accepted and approved, and that this cause be removed to this Court, and to this end that this Court will make and enter an order of removal, removing said cause from the Circuit Court of Baldwin County, Alabama, to the District Court of the United States for the Southern District of Alabama, Southern Division, and will cause the Clerk of the Circuit Court of Baldwin County, Alabama, to file with the Clerk of this Court a transcript of all the record and proceedings in the Circuit Court of Baldwin County, Alabama, if such order be necessary. And Petitioner prays for such other, further or additional relief as in the premises he may be entitled to receive.

LEE JOHN WARD

By HOLBERG, TULLY & ALDRIDGE
Attorneys for Defendant

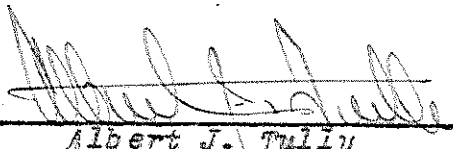
BY 
Albert J. Tully, Member Appearing
631-6 First National Bank Building
Mobile, Alabama

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority in and for said State and County, personally appeared ALBERT J. TULLY, known to me and whose name is signed to the above and foregoing petition and who, being

by me first duly sworn, deposes and says that he is an attorney for Lee John Ward, Petitioner in the foregoing petition and Defendant in the above entitled cause, and that the said Lee John Ward is a non-resident of the State of Alabama and is not available for the purpose of executing this affidavit; that he has read the foregoing petition and that the facts stated therein are true and correct according to the best of his information, knowledge and belief, which information he believes to be true.


Albert J. Tully

Subscribed and sworn to before me
this 27th day of December, 1956.


NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

C O P Y

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Lee John Ward to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Ralph P. Egerton.

Witness my hand this 10th day of December, 1956.

/s/ Alice J. Duck
Clerk

RALPH P. EAGERTON,	X	IN THE CIRCUIT COURT
Plaintiff,	X	OF BALDWIN COUNTY,
VS.	X	ALABAMA, AT LAW.
LEE JOHN WARD,	X	NO. _____
Defendant.	X	

COUNT ONE

Plaintiff claims of the Defendant the sum of Fifteen Thousand (\$15,000.00) Dollars as damages for that on, to-wit, the 26th day of April, 1956, the Defendant, Lee John Ward, so negligently operated a motor vehicle on U. S. Highway 90 at or near Loxley School in the Town or Village of Loxley, Baldwin County, Alabama, as to cause or allow the same to run upon or against the automobile in which the Plaintiff and his wife, Maude M. Eagerton, were riding, as the proximate result of which negligence Plaintiff's wife was permanently and seriously injured as follows: She suffered an injury behind the right ear and a cerebral concussion, her left knee cap was broken and fractured, her nose was broken and fractured, and her right knee was injured and contused; her auditory nerves were injured and her hearing impaired; she was internally injured, and otherwise bruised, injured and lacerated in and about her limbs and body; she suffered a severe nervous shock and great physical pain and mental anguish, she had to undergo operations as the result of said injuries; she was confined to hospitals and in bed for a long period of time and the Plaintiff incurred large doctors', hospital, nurses', and medical expenses in and about the treatment of his wife's said injuries; he suffered and will continue to suffer loss of the services and the consortium of his wife for a long period of time; and as a further result of the Defendant's said negligence Plaintiff's automobile was totally broken up and demolished.

WHEREFORE, Plaintiff brings this suit and asks judgment for the above amount.

COUNT TWO

The Plaintiff claims of the Defendant the other and further sum of Fifteen Thousand (\$15,000.00) Dollars for that on, to-wit, the 26th day of April, 1958, the Defendant wantonly injured Maude M. Egerton, the wife of the Plaintiff and also Plaintiff's automobile, at or near Loxley School on U. S. Highway 90 in or near the Village or Town of Loxley, Baldwin County, Alabama, by wantonly causing a motor vehicle which he was then and there operating to run into or against an automobile in which Plaintiff and his said wife were riding, as the proximate result of which negligence Plaintiff's wife was permanently and seriously injured as follows: She suffered an injury behind the right ear and a cerebral concussion, her left knee cap was broken and fractured, her nose was broken and fractured, and her right knee was injured and contused; her auditory nerves were injured and her hearing impaired; she was internally injured, and otherwise bruised, injured and lacerated in and about her limbs and body; she suffered a severe nervous shock and great physical pain and mental anguish; she had to undergo operations as the result of said injuries; she was confined to hospitals and in bed for a long period of time, and the Plaintiff incurred large doctors', hospital, nurses' and medical expenses in and about the treatment of his wife's said injuries; he suffered and will continue to suffer loss of the services and the consortium of his wife for a long period of time; and as a further result of the Defendant's said negligence Plaintiff's automobile was totally broken up and demolished.

/s/ Chason & Stone

/s/ Johnston, McCall & Johnston
Attorneys for Plaintiff

Plaintiff demands a trial by jury of the above entitled cause.

/s/ Chason & Stone

/s/ Johnston, McCall & Johnston
Attorneys for Plaintiff

Note to the Circuit Clerk of Baldwin County, Alabama;

*The Defendant, Lee John Ward, is now, and was at the time
complained of, a non-resident of Alabama, residing in Jackson,
Hinds County, Mississippi, his address being 716 West Pearl
Street, Jackson, Mississippi. Service of process should be
had upon him as provided by Section 199 of Title 7 of Alabama
Code of 1940.*

/s/ Chason & Stone

/s/ Johnston, McCull & Johnston

Attorneys for Plaintiff

C O P Y

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
Montgomery 4, Alabama

December 11, 1956

Lee John Ward
716 West Pearl Street
Jackson, Mississippi

REGISTERED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

You will take notice that on December 11, 1956 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, Summons and Complaint in a case entitled: RALPH P. RAGERTON, Plaintiff VS. LEE JOHN WARD, Defendant, in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW, Case No. (not given) true copy of which Summons and Complaint is attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 11 day of December, 1956.

/s/ Mary Texas Hurt Garner
Mary Texas Hurt
Secretary of State

Enclosure: Copy of Summons and
Complaint

cc: Messrs. Chason and Stone, Attorneys at Law
Bay Minette, Alabama

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION

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Thomson

CIVIL ACTION NO. _____

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NOTICE

TO:- Chason and Stone, Bay Minette, Alabama; and
Johnston, McCall and Johnston, Annex, First National Bank
Building, Mobile, Alabama; Plaintiff's attorneys

YOU ARE HEREBY NOTIFIED that Lee John Ward, Defendant in the above entitled cause, has on this the 27 day of December, 1958, filed in the United States District Court for the Southern District of Alabama, Southern Division, his petition and bond for the removal of the above entitled cause to the said United States District Court for the Southern District of Alabama, Southern Division, in accordance with the petition and bond of the Defendant, a copy of which is hereto attached.

DATED this 27 day of December, 1956.

LEE JOHN RAE

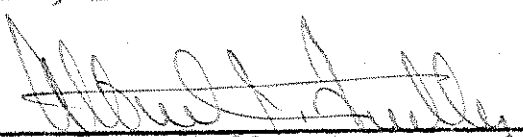
By HOLBERG, TULLY & ALDRIDGE
Attorneys for Defendant

BU

Member Appearing

I hereby certify that on this 21 day of December, 1956, a copy of the foregoing notice and the petition and bond therein referred to, was served upon Messrs. Chason and Stone, of counsel to Plaintiff, by addressing a copy thereof to said attorneys at their offices at Bay Minette, Alabama, by mail, with postage prepaid in the correct amount, and that a copy of the foregoing notice and the petition and bond therein referred to was served upon Messrs. Johnston, McCall and Johnston, of counsel to Plaintiff, by lodging the same in their offices in Annex, First National Bank Building, Mobile, Alabama; and I do further certify that on said date a copy

of the foregoing notice and the petition and bond therein referred
to was sent by mail, with postage pre-paid in the correct amount,
to the Hon. Alice J. Duck, Clerk of the Circuit Court of Baldwin
County, Alabama, at Bay Minette, Alabama.


Albert J. Tully, Attorney for
Lee John Ward, Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF

ALABAMA, SOUTHERN DIVISION

RALPH P. EAGERTON,

Plaintiff

vs.

LEE JOHN WARD,

Defendant.

CIVIL ACTION NO. _____

REMOVAL BOND

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned Lee John Ward, as Principal, and St. Paul Fire and Marine Insurance Company, a corporation, as Surety, are held and firmly bound unto Ralph P. Eagerton, Plaintiff in this cause, in the sum of Two Hundred Fifty and No/100 (\$250.00) Dollars, lawful money of the United States, for the payment of which well and truly to be made we and each of us firmly bind ourselves, our successors, assigns and personal representatives, jointly and severally.

Signed and sealed this 26th day of December, 1956.

THE CONDITION OF THE ABOVE OBLIGATION is such that whereas Lee John Ward has filed in the United States District Court for the Southern District of Alabama, Southern Division, his petition for the removal of a civil action from the Circuit Court of Baldwin County, Alabama, to this Court, in which civil action Ralph P. Eagerton is Plaintiff and Lee John Ward is Defendant;

NOW, THEREFORE, if Lee John Ward shall pay all costs and disbursements incurred by reason of said removal proceedings should it be determined that this case was not removable or was improperly removed, then this obligation shall be void, otherwise it shall remain in full force and effect.

LEE JOHN WARD, Defendant

BY HOLBERG, TULLY & ALDRIDGE
Attorneys for Defendant

By Albert J. Tully
Albert J. Tully,
Member Appearing
As Principal

St. Paul Fire and Marine Insurance Company

Stephens S. Croom

By Stephens S. Croom
As its Attorney-in-Fact
As Surety

(SEAL)

Approved this 27th day of December, 1958.

Daniel H. Thomas
United States District Judge

FILED

DEC 128 1956

Alice A. Beck, Register

LAW OFFICES

HOLBERG, TULLY AND ALDRIDGE

SUITE 631-636 - FIRST NATIONAL BANK BLDG.

P. O. BOX 47

MOBILE 1, ALABAMA

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Lee John Ward to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Ralph P. Eagerton.

Witness my hand this 10th day of December, 1956.

Allice J. Hensley
Clerk

RALPH P. EAGERTON,	I	IN THE CIRCUIT COURT
Plaintiff,	I	OF BALDWIN COUNTY,
VS.	I	ALABAMA, AT LAW.
LEE JOHN WARD,	I	NO. _____
Defendant.	I	

BOOK 013 PAGE 469

COUNT ONE

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COUNT TWO

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Sharon A. Stone
John M. C. Lee & John
Attorneys for Plaintiff

Plaintiff demands a trial by jury of the above entitled cause.

Sharon A. Stone
John M. C. Lee & John
Attorneys for Plaintiff

BOOK
016
PAGE 430

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Sharon Stone

Johnston, McCall & Johnston

Attorneys for Plaintiff

BOOK
016 PAGE 491

1594

RECEIVED IN OFFICE

DEC 11 1956

M. S. BUTLER, Sheriff

3

Executed by serving 3 copies of
the within on Mary Texas Hurt,
Secretary of State of The State of
Alabama.

(This the 11 day of Dec 1956

Sheriff of Montgomery County

M. S. Butler,

By Goodwyn D. S.

The Sheriff claims 2
miles at 10c per mile for a total
of \$ 20.00

M. S. Butler, Sheriff
Montgomery County, Ala.

3116

SUMMONS AND COMPLAINT

RALPH P. EAGERTON,

Plaintiff,

vs.

LEE JOHN WARD,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

FILED

DEC 10 1956

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA