

In the Matter of the Removal to
the District Court of the United
States for the Southern District
of Alabama, Southern Division,
of the case of:

R. J. WRIGHT,

Plaintiff,

vs.

CASE NO. 3122

LIQUID CARRIERS, INC., a corpor-
ation, and HARVEY C. SMITH,

Defendants.

TO: Mrs. Alice J. Duck
Clerk of the Circuit Court of Baldwin County
Bay Minette, Alabama

Pursuant to the provisions of law in such cases
made and provided, there is hereby filed with you a copy of
the petition of Hearin Tank Lines, Inc., a corporation which
assumed all the liabilities of the defendant, Liquid Carriers,
Inc., on the date of their merger, November 3, 1956, and of
the defendant, Harvey C. Smith, in the above entitled cause
to remove said cause to the United States District Court for
the Southern District of Alabama, Southern Division. The
said petition, accompanied by a bond with good and sufficient
surety, conditioned as is required by law, was on the 18
day of February, 1957, filed in the said United States District
Court for the Southern District of Alabama, Southern Division.

Written notice of the filing of said petition and
bond has this day been given to the attorney for the plaintiff
herein, and you are hereby notified that the filing of a copy
of the aforesaid petition with you as Clerk of the Circuit
Court of Baldwin County, Alabama, effects the removal of said
cause to the said United States District Court.

Dated this 18 day of February, 1957.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By: McCorvey
Attorneys for the Defendants

R. J. WRIGHT, Plaintiff

VS

LIQUID CARRIERS, INC., a corporation, Defendant

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

CASE NO. 3122

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

I, Mary Texas Hurt, Secretary of State, hereby certify that on January 31, 1957
I sent by registered mail in an envelope addressed as follows:

"
Liquid Carriers, Inc., a corporation
621 Southwest Sixth Street
Miami, Florida"

"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:

"
Liquid Carriers, Inc., a corporation
621 Southwest Sixth Street
Miami, Florida"

You will take notice that on January 31, 1957 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: R. J. WRIGHT, Plaintiff VS LIQUID CARRIERS, INC., Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 3122 a 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 31
day of January 1957

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 February 6, 1957 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Post mark omitted,
on 2-5-57

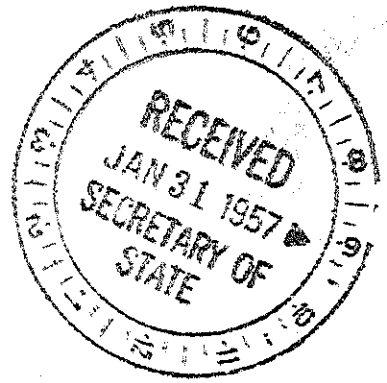
WITNESS MY HAND and the Great Seal of the State of Alabama this the 6 day
of February 1957

Mary Texas Hurt Garner

Mary Texas Hurt
Secretary of State

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

cc: Honorable J. B. Blackburn
Attorney at Law
Bay Minette, Alabama



STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Liquid Carriers, Inc., a corporation, and Harvey C. Smith, to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of R. J. Wright.

WITNESS my hand this 18 day of January, 1957.

David F. Welch
Clerk.

C O M P L A I N T

R. J. WRIGHT,

Plaintiff,

vs.

LIQUID CARRIERS, INC.,
a corporation, and
HARVEY C. SMITH,

Defendants.

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

COUNT ONE:

The Plaintiff claims of the Defendants the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages for that heretofore on, to-wit, February 28, 1956, the Plaintiff was operating an automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #3 at a point approximately 275 feet South of the intersection of said Alabama Highway #3 and U. S. Highway #31, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #3, the Defendant, Harvey C. Smith, who was then and there an agent, servant or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his employment as such agent, servant or employee, so negligently drove or operated a truck owned by the Defendant,

Liquid Carriers, Inc., a corporation, as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his ribs was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain and anguish, and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers that all of his injuries and damages set forth above were proximately caused by the negligence of the Defendant, Harvey C. Smith, who was then and there a servant, agent or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his authority as such servant, agent or employee, in operating the said truck at the time and place of collision.

COUNT TWO:

The Plaintiff claims of the Defendant, Harvey C. Smith, the sum of Twenty-five Thousand and no/100 Dollars (\$25,000.00) as damages for that heretofore on to-wit, February 28, 1956, the Plaintiff was operating an automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #3, at a point approximately 275 feet South of the intersection of Alabama Highway #3 and U. S. Highway #31, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #3, the Defendant, Harvey C. Smith, wantonly injured the Plaintiff by so wantonly driving or operating a truck as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of the said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his ribs was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain

and anguish and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers that the Defendant, Harvey C. Smith, wantonly injured Plaintiff by wantonly driving or operating the said truck upon or against the said automobile which Plaintiff was operating at said time and place, and as a proximate consequence of said wanton conduct, Plaintiff avers that he was caused to sustain and did sustain, the injuries and damages complained of and set out above.

COUNT THREE:

The Plaintiff claims of the Defendant, Liquid Carriers, Inc., a corporation, the sum of Twenty-five Thousand and no/100 Dollars (\$25,000.00) as damages for that heretofore on to-wit, February 28, 1956, the Plaintiff was operating his automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #3, at a point approximately 275 feet South of the intersection of Alabama Highway #3 and U. S. Highway #31, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #3, the Defendant, Harvey C. Smith, who was then and there an agent, servant or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his employment as such agent, servant or employee, so wantonly drove or operated a truck owned by the Defendant, Liquid Carriers, Inc., a corporation, as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his ribs was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain and anguish, and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers

that the Defendant, Harvey C. Smith, as said servant, agent or employee, acting within the line and scope of his employment as such agent, servant or employee, at said time and place, wantonly injured the Plaintiff by wantonly running a truck of the Defendant, Liquid Carriers, Inc., a corporation, against the said automobile which Plaintiff was operating at said time and place, and as a proximate consequence of said wanton conduct, Plaintiff avers that he was caused to sustain, and did sustain, the injuries and damages complained of as set out above, hence this suit.

J. B. Blackburn
Attorney for Plaintiff.

Plaintiff demands a trial
by jury of this cause.

J. B. Blackburn
Attorney for Plaintiff.

FILED
JUN 18 1921
JUL 1 1921

RECORDED

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Liquid Carriers, Inc., a corporation, and Harvey C. Smith, to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of R. J. Wright.

WITNESS my hand this 18 day of January, 1957.

Deice J. Smith
Clerk.

C O M P L A I N T

R. J. WRIGHT,

Plaintiff,

vs.

LIQUID CARRIERS, INC.,
a corporation, and
HARVEY C. SMITH,

Defendants.

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

COUNT ONE:

The Plaintiff claims of the Defendants the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages for that heretofore on, to-wit, February 28, 1956, the Plaintiff was operating an automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #3 at a point approximately 275 feet South of the intersection of said Alabama Highway #3 and U. S. Highway #31, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #3, the Defendant, Harvey C. Smith, who was then and there an agent, servant or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his employment as such agent, servant or employee, so negligently drove or operated a truck owned by the Defendant,

Liquid Carriers, Inc., a corporation, as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his ribs was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain and anguish, and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers that all of his injuries and damages set forth above were proximately caused by the negligence of the Defendant, Harvey C. Smith, who was then and there a servant, agent or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his authority as such servant, agent or employee, in operating the said truck at the time and place of collision.

COUNT TWO:

The Plaintiff claims of the Defendant, Harvey C. Smith, the sum of Twenty-five Thousand and no/100 Dollars (\$25,000.00) as damages for that heretofore on to-wit, February 28, 1956, the Plaintiff was operating an automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #3, at a point approximately 275 feet South of the intersection of Alabama Highway #3 and U. S. Highway #31, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #3, the Defendant, Harvey C. Smith, wantonly injured the Plaintiff by so wantonly driving or operating a truck as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of the said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his ribs was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain

and anguish and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers that the Defendant, Harvey C. Smith, wantonly injured Plaintiff by wantonly driving or operating the said truck upon or against the said automobile which Plaintiff was operating at said time and place, and as a proximate consequence of said wanton conduct, Plaintiff avers that he was caused to sustain and did sustain, the injuries and damages complained of and set out above.

COUNT THREE:

The Plaintiff claims of the Defendant, Liquid Carriers, Inc., a corporation, the sum of Twenty-five Thousand and no/100 Dollars (\$25,000.00) as damages for that heretofore on to-wit, February 28, 1956, the Plaintiff was operating his automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #3, at a point approximately 275 feet South of the intersection of Alabama Highway #3 and U. S. Highway #31, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #3, the Defendant, Harvey C. Smith, who was then and there an agent, servant or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his employment as such agent, servant or employee, so wantonly drove or operated a truck owned by the Defendant, Liquid Carriers, Inc., a corporation, as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his ribs was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain and anguish, and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers

that the Defendant, Harvey C. Smith, as said servant, agent or employee, acting within the line and scope of his employment as such agent, servant or employee, at said time and place, wantonly injured the Plaintiff by wantonly running a truck of the Defendant, Liquid Carriers, Inc., a corporation, against the said automobile which Plaintiff was operating at said time and place, and as a proximate consequence of said wanton conduct, Plaintiff avers that he was caused to sustain, and did sustain, the injuries and damages complained of as set out above, hence this suit.

J. B. Blackburn
Attorney for Plaintiff.

Plaintiff demands a trial
by jury of this cause.

J. B. Blackburn
Attorney for Plaintiff.

Received 10 day of Jan 21 1957
and on 6 day of Feb 1957
served a copy of the within M. S. Butler, Sheriff
on Harvey C. Smith

by service on Harvey C. Smith

TAYLOR WILKINS, Sheriff
By W. A. Tolbert D. S.
omi

[Signature]

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

This the 11 day of Jan 1957

Sheriff of Montgomery County

M. S. Butler,

By *[Signature]* D. S.

The Sheriff claims 2
miles at 10c per mile for a total
of \$ 2.00
M. S. Butler, Sheriff
Montgomery County, Ala.

RECORDED
SUMMONS AND COMPLAINT

R. J. WRIGHT,
Plaintiff,

vs.

LIQUID CARRIERS, INC.,
a corporation, and
HARVEY C. SMITH,

Defendants.

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

FILED
JAN 18 1957
ALICE L. DICK, Clerk

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

In the Matter of the Removal to
the District Court of the United
States for the Southern District
of Alabama, Southern Division,
of the case of:

R. J. WRIGHT,

Plaintiff,

CASE NO. 3122

vs.

LIQUID CARRIERS, INC., a corpora-
tion, and HARVEY C. SMITH,

Defendants.

TO: Mr. J. B. Blackburn
Attorney at Law
Bay Minette, Alabama

RECORDED
FILED
FEB 10 1957

Please take notice that Hearin Tank Lines, Inc., a corporation which assumed all the liabilities of the defendant, Liquid Carriers, Inc., on the date of their merger, November 3, 1956, and the defendant, Harvey C. Smith, in the above styled cause, have on the ____ day of February, 1957, filed their petition to remove the above entitled action to the United States District Court for the Southern District of Alabama, Southern Division, a copy of the said petition being attached to this said notice, and that said Hearin Tank Lines, Inc. and Harvey C. Smith have on the ____ day of February, 1957, filed in the United States District Court a bond with good and sufficient surety conditioned as is provided by law with respect to said proceedings. You are hereby further notified that a copy of the said petition is being filed this day with Mrs. Alice J. Duck, Clerk of the Circuit/^{Court}of Baldwin County, Alabama wherein said cause is now pending, which shall effect the removal of said cause from said Court.

This said notice is given to you as attorney for the plaintiff in compliance with the provisions of Title 28 U.S.C.A., Section 1446 (e).

Dated this ____ day of February, 1957.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By: _____
Attorneys for the Defendants

FOR THE SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION

R. J. WRIGHT,
Plaintiff,
vs.
LIQUID CARRIERS, INC., a
corporation, and HARVEY C.
SMITH,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 3122

PETITION FOR REMOVAL OF CIVIL ACTION FROM THE CIRCUIT COURT
OF BALDWIN COUNTY IN THE STATE OF ALABAMA TO THE DISTRICT
COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION

TO THE HONORABLE DANIEL H. THOMAS, JUDGE OF THE SAID DISTRICT
COURT OF THE UNITED STATES:

Come your petitioners, Harvey C. Smith and Hearin Tank Lines, Inc., a corporation, and respectfully show unto the Court as follows:

ONE

That a civil action has been brought and is now pending in the Circuit Court of Baldwin County, Alabama, wherein R. J. Wright is the plaintiff and your petitioner, Harvey C. Smith is a defendant, as is also Liquid Carriers, Inc.

TWO

That said action is a civil action of which the District Courts of the United States have original jurisdiction, in that the said action is to recover damages for injuries alleged to have been sustained in an automobile accident occurring upon a public highway in Baldwin County, Alabama.

THREE

That the controversy in said suit is between citizens of different states, in that your petitioner, Harvey C. Smith, is a resident citizen of Baldwin County, Alabama; that plaintiff is a resident citizen of the State of Florida, and that

the defendant, Liquid Carriers, Inc., a corporation, was a Florida corporation which was dissolved on November 3, 1956, at which time it merged with petitioner, Hearin Tank Lines, Inc., a Louisiana corporation, said Louisiana corporation taking over all assets of said Liquid Carriers, Inc., and assuming all liabilities of the said Liquid Carriers, Inc., a corporation.

FOUR

That the matter or amount in controversy in said action No. 3122 at the time of commencement of said action and at the present time exceeds the sum or value of \$3,000.00, exclusive of interest and costs.

FIVE

That service of process in said suit was had on each of the defendants in said cause less than twenty (20) days from the date of the filing in this Honorable Court of this petition.

SIX

Your Petitioners herewith present a good and sufficient bond as provided by statute, conditioned that your Petitioners, the Defendants, will pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that the case was not removable or was improperly removed.

WHEREFORE, Petitioners pray that the said action No. 3122 may be removed from said State Court into this Court for trial and determination; that this Court accept said bond and make and enter an order of removal of said Action No. 3122.



907 Merchants National Bank Building
Mobile, Alabama
As Attorney for Defendants

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

Of Counsel

STATE OF ALABAMA

COUNTY OF MOBILE

R. F. Adams, being duly sworn, deposes and says he is informed and believes, and on such information and belief avers that the facts stated in the foregoing petition are true and correct.

Subscribed and sworn to before me
on this the ____ day of February, 1957.

Notary Public, Mobile County, Alabama

In the Matter of the Removal to
the District Court of the United
States for the Southern District
of Alabama, Southern Division,
of the case of:

R. J. WRIGHT,

Plaintiff,

CASE NO. 3122

vs.

LIQUID CARRIERS, INC., a corpora-
tion, and HARVEY C. SMITH,

Defendants.

TO: Mr. J. B. Blackburn
Attorney at Law
Bay Minette, Alabama

Please take notice that Hearin Tank Lines, Inc., a corporation which assumed all the liabilities of the defendant, Liquid Carriers, Inc., on the date of their merger, November 3, 1956, and the defendant, Harvey C. Smith, in the above styled cause, have on the ____ day of February, 1957, filed their petition to remove the above entitled action to the United States District Court for the Southern District of Alabama, Southern Division, a copy of the said petition being attached to this said notice, and that said Hearin Tank Lines, Inc. and Harvey C. Smith have on the ____ day of February, 1957, filed in the United States District Court a bond with good and sufficient surety conditioned as is provided by law with respect to said proceedings. You are hereby further notified that a copy of the said petition is being filed this day with Mrs. Alice J. Duck, Clerk of the Circuit/^{Court} of Baldwin County, Alabama wherein said cause is now pending, which shall effect the removal of said cause from said Court.

This said notice is given to you as attorney for the plaintiff in compliance with the provisions of Title 28 U.S.C.A., Section 1446 (e).

Dated this ____ day of February, 1957.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By: _____
Attorneys for the Defendants



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

January 31, 1957

MARY TEXAS HURT
MARY
SECRETARY OF STATE

Liquid Carriers, Inc.,
621 Southwest Sixth Street
Miami, Florida

REGISTERED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

You will take notice that on January 31, 1957 the Sheriff of Montgom-
ery County, Alabama, served upon me, in my official capacity, Summons and
Complaint in a case entitled: R. J. WRIGHT

Plaintiff VS LIQUID CARRIERS, INC.,

a corporation

Defendant in the CIRCUIT COURT OF

BAUDWIN COUNTY, ALABAMA AT LAW

Case No. 3122 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 31
day of January 1957.

Mary Texas Hurt
Secretary of State

Enclosure: Copy of Summons and
Complaint

cc: Honorable J. B. Blackburn
Attorney at Law
Bay Minette, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Liquid Carriers, Inc., a corporation, and Harvey C. Smith, to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of R. J. Wright.

WITNESS my hand this _____ day of January, 1957.

Clerk.

COMPLAINT

R. J. WRIGHT,

Plaintiff,

vs.

LIQUID CARRIERS, INC.,
a corporation, and
Harvey C. Smith,

Defendants.

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

3124

COUNT ONE:

The Plaintiff claims of the Defendants the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages for that heretofore on, to-wit, February 28, 1956, the Plaintiff was operating an automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #3 at a point approximately 275 feet South of the intersection of said Alabama Highway #3 and U. S. Highway #31, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #3, the Defendant, Harvey C. Smith, who was then and there an agent, servant or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his employment as such agent, servant or employee, so negligently drove or operated a truck owned by the Defendant,

Liquid Carriers, Inc., a corporation, as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his ribs was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain and anguish, and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers that all of his injuries and damages set forth above were proximately caused by the negligence of the Defendant, Harvey C. Smith, who was then and there a servant, agent or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his authority as such servant, agent or employee, in operating the said truck at the time and place of collision.

COURT TWO:

The Plaintiff claims of the Defendant, Harvey C. Smith, the sum of Twenty-five Thousand and no/100 Dollars (\$25,000.00) as damages for that heretofore on to-wit, February 28, 1956, the Plaintiff was operating an automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #3, at a point approximately 275 feet South of the intersection of Alabama Highway #3 and U. S. Highway #31, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #3, the Defendant, Harvey C. Smith, wantonly injured the Plaintiff by so wantonly driving or operating a truck as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of the said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his ribs was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain

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and anguish and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers that the Defendant, Harvey C. Smith, wantonly injured Plaintiff by wantonly driving or operating the said truck upon or against the said automobile which Plaintiff was operating at said time and place, and as a proximate consequence of said wanton conduct, Plaintiff avers that he was caused to sustain and did sustain, the injuries and damages complained of and set out above.

COUNT THREE:

The Plaintiff claims of the Defendant, Liquid Carriers, Inc., a corporation, the sum of Twenty-Five Thousand and no/100 Dollars (\$25,000.00) as damages for that heretofore on to-wit, February 23, 1956, the Plaintiff was operating his automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #3, at a point approximately 275 feet South of the intersection of Alabama Highway #3 and U. S. Highway #31, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #3, the Defendant, Harvey C. Smith, who was then and there an agent, servant or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his employment as such agent, servant or employee, so wantonly drove or operated a truck owned by the Defendant, Liquid Carriers, Inc., a corporation, as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his knees was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain and anguish, and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers

that the Defendant, Harvey C. Smith, as said servant, agent or employee, acting within the line and scope of his employment as such agent, servant or employee, at said time and place, wantonly injured the Plaintiff by wantonly running a truck of the Defendant, Liquid Carriers, Inc., a corporation, against the said automobile which Plaintiff was operating at said time and place, and as a proximate consequence of said action, Plaintiff avers that he was caused to sustain, and did sustain, the injuries and damages complained of as set out above, hence this suit.

Attorney for Plaintiff.

Plaintiff demands a trial
by jury of this cause.

Attorney for Plaintiff.

STATE OF ALABAMA

COUNTY OF BALDWIN

KNOW ALL MEN BY THESE PRESENTS, that Hearin Tank Lines, Inc., a corporation, and Harvey C. Smith, as principals and _____, as Surety, are held and firmly bound unto R. J. Wright in the penal sum of FIVE HUNDRED DOLLARS (\$500.00) for the payment whereof, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, by these presents.

The condition of this bond is such that:

WHEREAS, the said Hearin Tank Lines, Inc., a corporation, and Harvey C. Smith, simultaneously herewith have filed their petition in the United States District Court for the Southern District of Alabama, Southern Division, for the removal to this said Court of a certain cause of action pending in the Circuit Court of Baldwin County, Alabama, wherein the said R. J. Wright is Plaintiff, and the Harvey C. Smith and Liquid Carriers, Inc., a corporation which has been dissolved and whose liabilities have been assumed by Hearin Tank Lines, Inc., are the defendants.

NOW, THEREFORE, if said Petitioners shall pay or cause to be paid all costs and disbursements incurred by reason of this said removal proceeding should it be determined that this action was wrongfully or improperly removed to this said Court, then this obligation shall be void, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, we, the above and undersigned named Principals and Surety, have hereunto set our hands and seals on this the ____ day of February, 1957.

HEARIN TANK LINES, INC.

By: _____

As its Attorney

As Principals

Approved and accepted this
____ day of February, 1957.

United States District Judge

BY: _____

Its Attorney-in-Fact, as Surety

McCORMEY, TURNER, ROGERS, JOHNSTONE & ADAMS

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

HEMLOCK 3-6556 P. O. BOX 1070

MOBILE 6, ALABAMA

GESSNER T. MCCORMEY
BEN D. TURNER
C. M. A. ROGERS
C. A. L. JOHNSTONE, JR.
R. F. ADAMS
JAMES L. MAY, JR.
CHAUNCEY MOORE
ALEX T. HOWARD, JR.
J. JEPHIA HILL

March 28, 1957

Mrs. Alice J. Duck, Clerk
Bay Minette, Alabama

Dear Mrs. Duck:

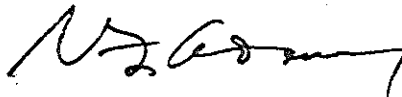
On February 18 we mailed you notice that we were filing with the Federal Court in Mobile a petition to remove your case #3122 (Wright vs. Liquid Carriers) to the Federal Court. Mr. O'Connor has just advised us that you have not received the petition and order of removal. I am enclosing another copy of the petition, which I shall appreciate your filing. I cannot understand what became of the first one, as it was not returned to us.

Under the present law, it is no longer necessary to have an order of removal, but the mere filing of the petition for removal and the acceptance of the removal bond by the Federal Judge effects a removal to the Federal Court.

I shall appreciate your filing the enclosed in the case, and advising me of their receipt by you.

I enjoyed the opportunity to meet your son recently.

Cordially yours,



RFA/an
Encls.

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
SOUTHERN DISTRICT OF ALABAMA
MOBILE 10, ALABAMA

WILLIAM J. O'CONNOR
CLERK

November 18, 1957

Mr. J. B. Blackburn,
Attorney at Law,
Bay Minette, Ala.

Mrs. Alice Duck,
Clerk of Circuit Court
Court House,
Bay Minette, Ala.

In Re: Civil Action 1765
Circuit Court No. 3132
R. J. Wright v.
Liquid Carriers Inc.,
et al

Dear Mrs. Duck and Mr. Blackburn:

To Mr. Blackburn, I enclose Check No. 1279 payable to the order of J. B. Blackburn, Attorney for R. J. Wright, in the sum of \$3,000.00, the amount of the judgment in the above matter.

To Mrs. Duck, I enclose Check No. 1280 payable to her order in the sum of \$17.45 in payment of the court costs in the above matter.

With personal regards and all good wishes to each of you,
I am

Cordially yours,


William J. O'Connor,
Clerk.

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS
LAWYERS AND PROCTORS
VAN ANTWERP BUILDING
P.O. BOX 935
MOBILE 5, ALABAMA

PALMER PILLANS
W. DEWITT REAMS
JOHN H. TAPPAN
GEORGE F. WOOD
BONNERRAE H. ROBERTS
SAMUEL R. STEPHENSON
RICHARD W. VOLLMER, JR.

February 5, 1957

CABLE ADDRESS: PTAH

Mrs. Alice J. Duck
Clerk, Circuit Court
Bay Minette, Alabama

Re: J. P. Bedingfield vs. H. E.
Address

Dear Mrs. Duck:

3122

On January 7th we forwarded to you for filing complaint in the captioned action. Will you please let us know on what day the Sheriff perfected service and whether or not anyone has filed an appearance for Mr. Address? We would also like to know, if there is an appearance, approximately when this case would come on for trial.

Thanking you in advance for this information,
we are,

Yours very truly,

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

By:

De Witt Reams

WDR/ra

ams

In the Matter of the Removal to
the District Court of the United
States for the Southern District
of Alabama, Southern Division,
of the case of:

R. J. WRIGHT,

Plaintiff,

vs.

CASE NO. 3132
~~3322~~

LIQUID CARRIERS, INC., a corpor-
ation, and HARVEY C. SMITH,

Defendants.

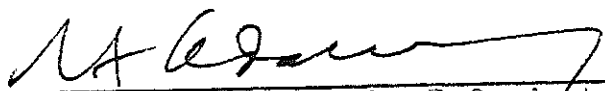
TO: Mrs. Alice J. Duck
Clerk of the Circuit Court of Baldwin County
Bay Minette, Alabama

Pursuant to the provisions of law in such cases
made and provided, there is hereby filed with you a copy of
the petition of Hearin Tank Lines, Inc., a corporation which
assumed all the liabilities of the defendant, Liquid Carriers,
Inc., on the date of their merger, November 3, 1956, and of
the defendant, Harvey C. Smith, in the above entitled cause
to remove said cause to the United States District Court for
the Southern District of Alabama, Southern Division. The
said petition, accompanied by a bond with good and sufficient
surety, conditioned as is required by law, was on the 18
day of February, 1957, filed in the said United States District
Court for the Southern District of Alabama, Southern Division.

Written notice of the filing of said petition and
bond has this day been given to the attorney for the plaintiff
herein, and you are hereby notified that the filing of a copy
of the aforesaid petition with you as Clerk of the Circuit
Court of Baldwin County, Alabama, effects the removal of said
cause to the said United States District Court.

Dated this 18 day of February, 1957.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By: 
Attorneys for the Defendants

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

R. J. WRIGHT,

Plaintiff,

vs.

LIQUID CARRIERS, INC., a
corporation, and HARVEY C.
SMITH,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 3122

PETITION FOR REMOVAL OF CIVIL ACTION FROM THE CIRCUIT COURT
OF BALDWIN COUNTY IN THE STATE OF ALABAMA TO THE DISTRICT
COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION

TO THE HONORABLE DANIEL H. THOMAS, JUDGE OF THE SAID DISTRICT
COURT OF THE UNITED STATES:

Come your petitioners, Harvey C. Smith and Hearin
Tank Lines, Inc., a corporation, and respectfully show unto
the Court as follows:

ONE

That a civil action has been brought and is now
pending in the Circuit Court of Baldwin County, Alabama,
wherein R. J. Wright is the plaintiff and your petitioner,
Harvey C. Smith is a defendant, as is also Liquid Carriers, Inc.

TWO

That said action is a civil action of which the
District Courts of the United States have original jurisdic-
tion, in that the said action is to recover damages for in-
juries alleged to have been sustained in an automobile acci-
dent occurring upon a public highway in Baldwin County, Alabama.

THREE

That the controversy in said suit is between citizens
of different states, in that your petitioner, Harvey C. Smith,
is a resident citizen of Baldwin County, Alabama; that plain-
tiff is a resident citizen of the State of Florida, and that

the defendant, Liquid Carriers, Inc., a corporation, was a Florida corporation which was dissolved on November 3, 1956, at which time it merged with petitioner, Hearin Tank Lines, Inc., a Louisiana corporation, said Louisiana corporation taking over all assets of said Liquid Carriers, Inc., and assuming all liabilities of the said Liquid Carriers, Inc., a corporation.

FOUR

That the matter or amount in controversy in said action No. 3122 at the time of commencement of said action and at the present time exceeds the sum or value of \$3,000.00, exclusive of interest and costs.

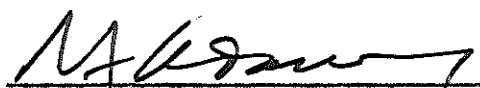
FIVE

That service of process in said suit was had on each of the defendants in said cause less than twenty (20) days from the date of the filing in this Honorable Court of this petition.

SIX

Your Petitioners herewith present a good and sufficient bond as provided by statute, conditioned that your Petitioners, the Defendants, will pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that the case was not removable or was improperly removed.

WHEREFORE, Petitioners pray that the said action No. 3122 may be removed from said State Court into this Court for trial and determination; that this Court accept said bond and make and enter an order of removal of said Action No. 3122.



907 Merchants National Bank Building
Mobile, Alabama
As Attorney for Defendants

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

Of Counsel

STATE OF ALABAMA

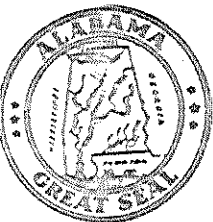
COUNTY OF MOBILE

R. F. Adams, being duly sworn, deposes and says he is informed and believes, and on such information and belief avers that the facts stated in the foregoing petition are true and correct.

R. F. Adams

Subscribed and sworn to before me
on this the 18 day of February, 1957.

Myrtle J. Sullivan
Notary Public, Mobile County, Alabama



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

January 31, 1957

MARY TEXAS HURT
SECRETARY OF STATE

Liquid Carriers, Inc., a corporation
621 Southwest Sixth Street
Miami, Florida

REGISTERED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

You will take notice that on January 31, 1957 the Sheriff of Montgom-
ery County, Alabama, served upon me, in my official capacity, Summons and
Complaint in a case entitled: R. J. WRIGHT

Plaintiff VS LIQUID CARRIERS, INC.,

a corporation

Defendant in the CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA AT LAW

Case No. 3122 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 31
day of January 1957.

Mary Texas Hurt
Secretary of State

Enclosure: Copy of Summons and
Complaint

cc: Honorable J. B. Blackburn
Attorney at Law
Bay Minette, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Liquid Carriers, Inc., a corporation, and Harvey C. Smith, to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of R. J. Wright.

WITNESS my hand this _____ day of January, 1957.

Clerk.

C O M P L A I N T

R. J. WRIGHT,

Plaintiff,

vs.

LIQUID CARRIERS, INC.,
a corporation, and
HARVEY C. SMITH,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

3122

COUNT ONE:

The Plaintiff claims of the Defendants the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages for that heretofore on, to-wit, February 28, 1956, the Plaintiff was operating an automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #3 at a point approximately 275 feet South of the intersection of said Alabama Highway #3 and U. S. Highway #21, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #3, the Defendant, Harvey C. Smith, who was then and there an agent, servant or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his employment as such agent, servant or employee, so negligently drove or operated a truck owned by the Defendant,

Liquid Carriers, Inc., a corporation, as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his ribs was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain and anguish, and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers that all of his injuries and damages set forth above were proximately caused by the negligence of the Defendant, Harvey C. Smith, who was then and there a servant, agent or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his authority as such servant, agent or employee, in operating the said truck at the time and place of collision.

COURT TWO:

The Plaintiff claims of the Defendant, Harvey C. Smith, the sum of Twenty-five Thousand and no/100 Dollars (\$25,000.00) as damages for that heretofore on to-wit, February 28, 1956, the Plaintiff was operating an automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #3, at a point approximately 275 feet South of the intersection of Alabama Highway #3 and U. S. Highway #21, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #3, the Defendant, Harvey C. Smith, wantonly injured the Plaintiff by so wantonly driving or operating a truck as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of the said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his ribs was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain

and anguish and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers that the Defendant, Murray C. Smith, wantonly injured Plaintiff by wantonly driving or operating the said truck upon or against the said automobile which Plaintiff was operating at said time and place, and as a proximate consequence of said wanton conduct, Plaintiff avers that he was caused to sustain and did sustain, the injuries and damages complained of and set out above.

COUNT THREE:

The Plaintiff claims of the Defendant, Liquid Carriers, Inc., a corporation, the sum of Twenty-five Thousand and no/100 Dollars (\$25,000.00) as damages for that heretofore or to-wit, February 28, 1956, the Plaintiff was operating his automobile along and upon a public highway in Baldwin County, Alabama, to-wit, Alabama Highway #1, at a point approximately 275 feet South of the intersection of Alabama Highway #2 and U. S. Highway #11, where he had a right to be, and while said automobile was being operated and driven along said Alabama Highway #1, the Defendant, Murray C. Smith, who was then and there an agent, servant or employee of the Defendant, Liquid Carriers, Inc., a corporation, and who was then and there acting within the line and scope of his employment as such agent, servant or employee, so wantonly drove or operated a truck owned by the Defendant, Liquid Carriers, Inc., a corporation, as to cause it to run upon or collide with the automobile being driven by the Plaintiff and as a result of said collision, Plaintiff's body was bruised, mutilated, and injured; he was bruised, injured and lacerated in his face, head and other parts of his body; one of his ribs was fractured; his right ankle was severely sprained; he was seriously bruised and injured internally; was made sick and sore; has suffered and is suffering mental pain and anguish, and will be permanently injured for the remainder of his life; his health and physical stamina were permanently impaired and he has been permanently injured in the various parts of his body, hence this suit. Plaintiff further avers

that the Defendant, Harvey C. Smith, as said servant, agent or employee, acting within the line and scope of his employment as such agent, servant or employee, at said time and place, wantonly injured the Plaintiff by wantonly running a truck of the Defendant, Liquid Carriers, Inc., a corporation, against the said automobile which Plaintiff was operating at said time and place, and as a proximate consequence of said wanton conduct, Plaintiff avers that he was caused to sustain, and did sustain, the injuries and damages complained of as set out above, hence this suit.

Attorney for Plaintiff.

Plaintiff demands a trial

by jury of this cause.

Attorney for Plaintiff.

STATE OF ALABAMA
COUNTY OF BALDWIN

KNOW ALL MEN BY THESE PRESENTS, that Hearin Tank Lines, Inc., a corporation, and Harvey C. Smith, as principals and _____, as Surety, are held and firmly bound unto R. J. Wright in the penal sum of FIVE HUNDRED DOLLARS (\$500.00) for the payment whereof, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, by these presents.

The condition of this bond is such that:

WHEREAS, the said Hearin Tank Lines, Inc., a corporation, and Harvey C. Smith, simultaneously herewith have filed their petition in the United States District Court for the Southern District of Alabama, Southern Division, for the removal to this said Court of a certain cause of action pending in the Circuit Court of Baldwin County, Alabama, wherein the said R. J. Wright is Plaintiff, and the Harvey C. Smith and Liquid Carriers, Inc., a corporation which has been dissolved and whose liabilities have been assumed by Hearin Tank Lines, Inc., are the defendants.

NOW, THEREFORE, if said Petitioners shall pay or cause to be paid all costs and disbursements incurred by reason of this said removal proceeding should it be determined that this action was wrongfully or improperly removed to this said Court, then this obligation shall be void, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, we, the above and undersigned named Principals and Surety, have hereunto set our hands and seals on this the ____ day of February, 1957.

HEARIN TANK LINES, INC.

By: _____
As its Attorney

As Principals

Approved and accepted this
____ day of February, 1957.

United States District Judge

BY: _____
Its Attorney-in-Fact, as Surety

(3122)

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS
LAWYERS AND PROCTORS
VAN ANTWERP BUILDING
P. O. BOX 935
MOBILE 5, ALABAMA

PALMER PILLANS
W. DEWITT REAMS
JOHN H. TAPPAN
GEORGE F. WOOD
BONNERRAE H. ROBERTS
SAMUEL R. STEPHENSON
RICHARD W. VOLLMER, JR.

January 7, 1957

CABLE ADDRESS: PTAH

Mrs. Alice Duck, Clerk
Circuit Court of Baldwin County
Court House
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed is the original and a carbon copy of
a complaint which we would appreciate your having
filed in the Circuit Court in Baldwin County. The
defendant's address is Foley, Alabama.

Thank you very much for your service.

Yours very truly,

PILLANS, REAMS, TAPPAN, WOOD &
ROBERTS

by Dewitt Reams

WDR:sh

encl.

P. S. Mrs. Duck: Please let us know when service
has been completed on the defendant and also let us
know when any appearance is made for him so that we can
arrange to get local attorneys, if the case is to be
litigated.

Thanking you in advance for these favors.

Dewitt Reams

J. P. BEDINGFIELD,
Plaintiff,
-vs-
H. E. ANDRESS,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
NO. 3122

The Defendant, for answer to the Complaint, sayeth:

1. That the allegations of the Complaint are untrue.
2. That the demand on which the action is founded is barred by the Statute of Limitations of ^{six (6)}~~three (3)~~ years.
3. That he has paid the debt or demand for the recovery of which this action was brought before the action was commenced.


Attorney for Defendant

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

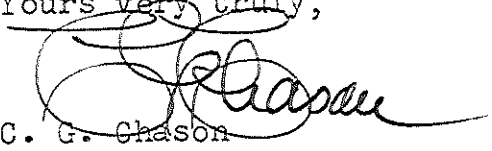
February 28, 1957

Mrs. Alice J. Duck, Clerk
Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing herewith Answer of H. E. Andress to the Complaint of J. P. Bedingfield, and am simultaneously mailing a copy to Mr. Dewitt Reams, of the firm of Pillans, Reams, Tappan, Wood & Roberts, who are attorneys for the Plaintiff.

Yours very truly,


C. G. Chason

CGC:fm

encls. 1

cc: Mr. Dewitt Reams
Pillans, Reams, Tappan, Wood & Roberts, Attorneys
Van Antwerp Building
P. O. Box #935
Mobile, Alabama

J. P. BEDINGFIELD,
Plaintiff,
vs.
H. E. ANDRESS,
Defendant.

)
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA

) AT LAW

) NO. _____
)

COMPLAINT

The plaintiff claims of the defendant THREE THOUSAND ONE HUNDRED TWENTY EIGHT AND NO/100 (\$3,128.00) DOLLARS, balance due from him on account stated between the plaintiff and defendant on, to-wit, the 9th day of June, 1949, after credit for all payments made thereon, the last of which was made on, to-wit, December 21, 1953, which sum of money, with interest thereon, is still unpaid.

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

by *Dwight Reams*
Attorneys for Plaintiff

This suit is brought on an itemized statement of account, verified by affidavit, which is attached hereto, filed herewith, and made a part hereof by reference.

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

by *Dwight Reams*

Defendant's address:

H. E. Andress
Foley
Alabama

J. P. BEDINGFIELD
Dixon's Mills, Alabama

Account stated on June 9, 1949 between J. P. Bedingfield
and H. E. Andress for explosives and materials delivered
by J. P. Bedingfield to H. E. Andress prior to that date:

Amount \$ 3,223.00

Less the following credits:

Paid June 9, 1949	\$ 35.00
Paid July, 1949	20.00
Paid August 21, 1950	15.00
Paid, to-wit, December 21, 1953	<u>25.00</u>

Total Credit 95.00

TOTAL BALANCE DUE \$ 3,128.00

STATE OF ALABAMA

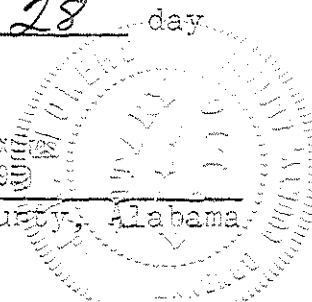
COUNTY OF MARENGO

Before me, J. W. Flawen, a
Notary Public in and for the aforesaid State and County,
personally appeared J. P. Bedingfield, known to me who,
being by me first duly sworn, deposes and says that he
is the J. B. Bedingfield who is the plaintiff in the suit
against H. E. Andress and that he has personal knowledge
of the correctness of the annexed and foregoing statement
of account against the said H. E. Andress and that the
same is just, true and correct and that there is now due
on said account from the said H. E. Andress to the said
J. P. Bedingfield the sum of \$3,128.00 after allowing
all just credits.

J. P. Bedingfield
J. P. Bedingfield

Subscribed and sworn to before me this 28 day
of December, 1956.

J. W. Flawen
My Commission Expires
September 7, 1959
Notary Public, Marengo County, Alabama



PILLANS, REAMS, TAPPAN, WOOD & ROBERTS
LAWYERS AND PROCTORS
VAN ANTWERP BUILDING
P. O. BOX 935
MOBILE, ALABAMA

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

3122

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon H. E. Andress

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

H. E. Andress

, Defendant

by J. P. Bedinfield

, Plaintiff

Witness my hand this 8th day of January 19 57

Alice J. Shuck, Clerk