



MARY TEXAS HURT  
SECRETARY OF STATE

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

July 15, 1958

Honorable Douglas S. Webb  
Horne and Webb  
Attorneys at Law  
Atmore, Alabama

3342

Re: Captain Sisby Holley VS Ronald Jack Fry  
Captain Sisby Holley,  
as Administrator VS Same

Dear Mr. Webb:

The enclosed information is self-explanatory.

It is always a pleasure to be of service to you.

Yours very truly,

*Mary Texas Hurt*

Mary Texas Hurt Garner  
Secretary of State

nt

cc: Honorable Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Enclosures

C O P Y

8 July 1958

20  
W  
K  
N  
Mary Texas Hurt Garner  
Secretary of State  
Montgomery 4, Alabama

Sir:

In reply to yours of 20 June 1958: registered letters 51092 and 51093 were not tendered to me primarily because I was not in squadron to receive them. On 4 April and thereafter I was on TAD orders away from Squadron except when I was home on emergency leave.

After my mother died, I returned to squadron on 8 June — too late to receive the above letters.

Yours Very Truly,

LT. JG Ronald J. Fry U. S. N. R.

$$\frac{\partial \mathcal{L}}{\partial \mathbf{w}_i} = \frac{\partial \mathcal{L}}{\partial \mathbf{w}_i} + \frac{\partial \mathcal{L}}{\partial \mathbf{w}_i} \quad \frac{\partial \mathcal{L}}{\partial \mathbf{w}_i} = \frac{\partial \mathcal{L}}{\partial \mathbf{w}_i} + \frac{\partial \mathcal{L}}{\partial \mathbf{w}_i}$$
$$\begin{aligned}
\mathbf{h}_i^{(t)} &= \mathbf{z}_i^{(t)} - \frac{\langle \mathbf{z}_i^{(t)}, \mathbf{1} \rangle}{\|\mathbf{z}_i^{(t)}\|} \mathbf{1} \quad \mathbf{z}_i^{(t)} = \mathbf{A} \mathbf{x}_i^{(t)} + \mathbf{b}_i^{(t)} \quad \mathbf{1} = \mathbf{1}_n \\
\mathbf{z}_i^{(t)} &= \mathbf{A} \mathbf{x}_i^{(t)} + \mathbf{b}_i^{(t)} \quad \mathbf{z}_i^{(t)} = \mathbf{A} \mathbf{x}_i^{(t)} + \mathbf{b}_i^{(t)} \quad \mathbf{z}_i^{(t)} = \mathbf{A} \mathbf{x}_i^{(t)} + \mathbf{b}_i^{(t)}
\end{aligned}$$
[illegible]

Figure 1. The distribution of the number of species per site in the 1000 sites of the 1000 Sites Survey. The x-axis represents the number of species per site, and the y-axis represents the number of sites. The distribution is highly skewed, with a large number of sites having 1 or 2 species and a small number of sites having 10 or more species.

[illegible][illegible][illegible]

1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 26

$$\begin{aligned}
\frac{\partial \mathcal{L}}{\partial \mathbf{w}_1} &= \frac{\partial}{\partial \mathbf{w}_1} \left( \frac{1}{2} \mathbf{w}_1^T \mathbf{w}_1 + \frac{1}{2} \mathbf{w}_1^T \mathbf{w}_2 + \frac{1}{2} \mathbf{w}_1^T \mathbf{w}_3 \right) = \mathbf{w}_1 + \frac{1}{2} \mathbf{w}_2 + \frac{1}{2} \mathbf{w}_3 \\
\frac{\partial \mathcal{L}}{\partial \mathbf{w}_2} &= \frac{\partial}{\partial \mathbf{w}_2} \left( \frac{1}{2} \mathbf{w}_1^T \mathbf{w}_1 + \frac{1}{2} \mathbf{w}_1^T \mathbf{w}_2 + \frac{1}{2} \mathbf{w}_1^T \mathbf{w}_3 \right) = \frac{1}{2} \mathbf{w}_1 + \mathbf{w}_2 + \frac{1}{2} \mathbf{w}_3 \\
\frac{\partial \mathcal{L}}{\partial \mathbf{w}_3} &= \frac{\partial}{\partial \mathbf{w}_3} \left( \frac{1}{2} \mathbf{w}_1^T \mathbf{w}_1 + \frac{1}{2} \mathbf{w}_1^T \mathbf{w}_2 + \frac{1}{2} \mathbf{w}_1^T \mathbf{w}_3 \right) = \frac{1}{2} \mathbf{w}_1 + \frac{1}{2} \mathbf{w}_2 + \mathbf{w}_3
\end{aligned}$$

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Approved: Donna M. Winkler Treasurer and Secretary (505, 500, 00) 10/20/98

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$$\frac{d}{dt} \left( \frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}, \quad \frac{d}{dt} \left( \frac{\partial L}{\partial \dot{y}} \right) = \frac{\partial L}{\partial y}, \quad \frac{d}{dt} \left( \frac{\partial L}{\partial \dot{z}} \right) = \frac{\partial L}{\partial z}$$

$\frac{d}{dt} \left( \frac{1}{\rho} \right) = - \frac{1}{\rho^2} \frac{d\rho}{dt}$

1. 在“                ”处填上适当的词语。  
 2. 在“                ”处填上适当的词语。  
 3. 在“                ”处填上适当的词语。

$\frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx = \frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx$

[illegible]

that defendant was not driving east by plaintiff and as a

...the ... of the ... of ...

2. Friend and colleague as follows:

[illegible]

system was greatly shocked and impaired and was permanently shocked and impaired; plaintiff was made sick, sore and lame for a long period of time and his physical stamina was impaired and permanently impaired; plaintiff was caused to suffer great physical pain and mental anguish and was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries; plaintiff was caused to incur and did incur large doctor bills, hospital bills, nursing bills, and medical bills; plaintiff was internally injured; plaintiff was permanently injured; plaintiff suffered severe and permanent injury and damage to his lungs; plaintiff was caused to lose much time from his business and work; plaintiff suffered a partial permanent loss of the use of his limbs; plaintiff suffered severe bruises over much of his body area; plaintiff was caused to suffer the loss of a great deal of his blood; all to the damage of plaintiff as aforesaid.

(2)

The plaintiff, Captain Elmer Bailey, claims of the defendant one hundred thousand and 20/100 (\$100,000.00) dollars in damages for this, that on, to-wit: the 7th day of November, 1934 plaintiff was driving an automobile and traveling East on U. S. Highway Number 90, a public highway in Baldwin County,

in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama, where plaintiff had a right to be and to drive, the defendant wilfully and wantonly drove an automobile traveling West into, over upon or against the automobile plaintiff was then and there driving and wilfully and wantonly injured plaintiff in this;

Plaintiff suffered a severe brain injury; plaintiff suffered permanent injury to his brain; plaintiff suffered multiple lacerations over much of his body; plaintiff suffered multiple fractures of his ribs. Plaintiff's left side of his body was severely and permanently injured; plaintiff's nervous system was greatly shocked and impaired; plaintiff was made sick, sore and lame for a long period of time and his physical stamina was impaired and permanently impaired; plaintiff was caused to suffer great physical pain and mental anguish and was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries; plaintiff was caused to incur and did incur large doctor bills, hospital bills, nursing bills, and medical bills; plaintiff was internally injured; plaintiff was permanently injured; plaintiff suffered severe and permanent injury and damage to his lungs;

plaintiff was caused to lose much time from his business and work; plaintiff suffered a partial permanent loss of the use of his limbs; plaintiff suffered severe bruises over much of his body area; plaintiff was caused to suffer the loss of a great deal of his blood; all to the damage of plaintiff as aforesaid.

Plaintiff avers that his said injuries were the proximate consequence of said willful and wanton conduct on the part of the said defendant at the said time and place.

(3)

Plaintiff, Captain Sidney Holley, claims of the defendant one Hundred Thousand and 50/100 (\$100,000.00) Dollars as damages for this; that on, to-wit: the 7th day of November, 1956 while plaintiff was driving an automobile East over U. S. Highway Number 90, a public highway in Baldwin County, Alabama at a point on said public highway in Baldwin County, Alabama approximately four and 5/10 miles West of the town of Loxley, Alabama the defendant at said time and place ran a motor vehicle against the automobile being then and there driven East by plaintiff and as a proximate consequence thereof, plaintiff

was injured and damaged as follows: Plaintiff suffered a severe brain injury; Plaintiff suffered permanent injury to his brain; plaintiff suffered multiple lacerations over much of his body; plaintiff suffered multiple fractures of his ribs. Plaintiff's left side of his body was severely and permanently injured; plaintiff's nervous system was greatly shocked and impaired and was permanently shocked and impaired; plaintiff was made sick, sore and lame for a long period of time and his physical stamina was impaired and permanently impaired; plaintiff was caused to suffer great physical pain and mental anguish and was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries; plaintiff was caused to incur and did incur large doctor bills, hospital bills, nursing bills, and medical bills; plaintiff was internally injured; plaintiff was permanently injured; plaintiff suffered severe and permanent injury and damage to his brain; plaintiff was caused to lose much time from his business and work; plaintiff suffered a partial permanent loss of the use of his limbs; plaintiff suffered severe bruises over much of his body area; plaintiff was caused to suffer the loss of a great deal of his blood; all to the damage of plaintiff as aforesaid.

"And plaintiff avers that the defendant at said time and place, wantonly injured plaintiff by wantonly running a motor vehicle

into, over, upon or against the automobile plaintiff was then and there driving and as a proximate consequence of said warden conduct plaintiff avers that he was caused to sustain and did sustain, the injuries and damages complained of and set out, etc"

HORNE & WEBB  
BY:

ATTORNEY FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

HORNE & WEBB  
BY:

ATTORNEY FOR PLAINTIFF.

In the Matter of the Removal -2-  
to the District Court of the  
United States for the Southern  
District of Alabama, Southern  
Division, of the case of:  
Filing of the copy of the aforesaid petition with you at

CAPTAIN SISBY HOLLEY, Court of Baldwin County, Alabama, et al.

Plaintiff, et al.

vs.

RONALD JACK FRY,

Dated this 4th day of October, 1937.

Defendant.

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

Attorney for Defendant  
First National Bank Building  
Mobile, 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 the defendant in the above entitled cause (being Civil  
Action No. 3343) to remove said cause to the United States  
District Court for the Southern Division of the Southern District  
of Alabama. The said petition, accompanied by bond with good  
and sufficient surety conditioned as is required by law, has  
been this day filed in the said United States District Court  
for the Southern Division of the Southern District of Alabama.

Written notice of the filing of the aforesaid petition and  
bond has been this day given to the attorney for the plaintiff  
herein by this day mailing such notice, together with a copy  
of the said petition for removal, to Frank G. Horne, Esquire,  
Attorney for the plaintiff, at the address of said Attorney at  
Atmore, Alabama, postage prepaid, by registered mail, return

C I R C U I T   C O U R T

\*\*\*\*\*

STATE OF ALABAMA     |  
BALDWIN COUNTY       |

TO ANY SHERIFF OF THE STATE OF ALABAMA,  
GREETING:

You are hereby commanded to summons Ronald Jack Fry to appear within thirty (30) days from the service of this writ in the Circuit Court of Baldwin County, Alabama to be held for said County at the place of holding same, then and there to answer, plead or demur to the complaint of Captain Sisby Holley, as Administrator of the estate of Mary Agnes Holley, Deceased.

Witness my hand, this 21 of September, 1957.

Reed J. Venable  
CLERK.

C O M P L A I N T

CAPTAIN SISBY HOLLEY AS  
ADMINISTRATOR OF THE ESTATE OF  
MARY AGNES HOLLEY, DECEASED.     |  
PLAINTIFF.                         |  
vs.                                 |  
RONALD JACK FRY,                   |  
DEFENDANT.                         |

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
LAW SIDE.  
NUMBER: \_\_\_\_\_

(1)

The Plaintiff, Captain Sisby Holley, as administrator of the estate of Mary Agnes Holley, Deceased, claims of the defendant One Hundred Thousand and no/100 (\$100,000.00) Dollars as damages for this; that on, to-wit; the 7th day of November, 1956 plaintiff's intestate was a passenger in an automobile traveling East on U. S. Highway Number 90, a public highway in Baldwin County, Alabama and at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama where plaintiff's



intestate had a right to be and to travel as a passenger defendant negligently drove an automobile into, over, upon or against the automobile in which plaintiff's intestate was then and there riding and as a proximate consequence of the negligence of defendant on the said occasion plaintiff's intestate was so severely injured that she died.

(2)

The Plaintiff, Captain Sisby Holley, as administrator of the estate of Mary Agnes Holley, Deceased, claims of the defendant One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for this; that on, to-wit; the 7th day of November, 1956 plaintiff's intestate was riding as a passenger in an automobile over which plaintiff's intestate had no charge, direction or control and traveling East on U. S. Highway Number 90, a public highway in Baldwin County, Alabama and at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama in said county and state the defendant ran an automobile into, over, upon or against the automobile in which plaintiff's intestate was riding, as aforesaid, and as a proximate consequence thereof plaintiff's intestate was so severely injured that she died. And plaintiff avers that the defendant at said time and place wantonly injured plaintiff's intestate by wantonly running an automobile into, over, upon or against the automobile in which plaintiff's intestate was riding as a passenger at said time and place, and as a proximate consequence of said wanton conduct plaintiff avers that his intestate was caused to sustain and did sustain injuries so severe that she died.

(3)

The plaintiff, Captain Sisby Holley, as administrator of the estate of Mary Agnes Holley, Deceased, claims of the defendant One Hundred Thousand and no/100 (\$100,000.00) Dollars as damages for this, that on, to-wit; the 7th day of November, 1956 plaintiff's intestate was riding as a passenger in an automobile traveling East on U. S. Highway Number 90, a public highway in Baldwin County,

Alabama when at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama where plaintiff's intestate had a right to be and to travel the defendant wilfully and wantonly drove an automobile into, over upon or against the automobile in which plaintiff's intestate was then and there riding as a passenger and wilfully and wantonly injured plaintiff's intestate to such an extent that she died. Plaintiff avers that the death of his intestate was the proximate consequence of said wilful and wanton conduct on the part of the said defendant at the said time and place.

[4]

The plaintiff, Captain Sisby Holley, as administrator of the estate of Mary Agnes Holley, deceased, claims the further and additional sum other than the amounts claimed in counts one through three of this complaint Two Thousand and No/100 (\$2,000.00) Dollars as damages for that heretofore on, to-wit; November 7, 1956 the plaintiff's intestate's automobile was being operated along and upon a public highway in Baldwin County, Alabama, on, to-wit; U. S. Highway Number 90 at a point on said public highway approximately four and 9/10 miles West of the town of Loxley, Alabama where plaintiff's intestate's automobile had a right to be and while said automobile was being operated and driven along the said public highway an automobile which was being driven by the defendant ran upon, over or against the automobile of plaintiff's intestate causing damages and injuries to plaintiff's intestate's automobile in this; the top, radiator, front axle, front wheels, frame, sides, motor, tires, fenders and other parts of plaintiff's intestate's automobile were broken, bent, smashed or otherwise damaged and injured all to the damages of the plaintiff's intestate as aforesaid. The plaintiff alleges that his intestate's said damages to her said automobile were proximately caused by the negligence of the defendant, in that defendant negligently caused, allowed or permitted his said automobile to run upon, over or against the automobile of plaintiff's intestate and as a proximate consequence thereof, the plaintiff's intestate's automobile was damaged and injured as aforesaid.


(5)

The plaintiff, Captain Sisby Holley, as administrator of

the estate of Mary Agnes Holley, deceased, claims the further and additional sum (other than that claimed in counts one through three of this complaint) of Two Thousand and No/100 (\$2,000.00) Dollars as damages for that heretofore on, to-wit; November 7, 1956 the plaintiff's intestate's automobile was being operated along and upon a public highway in Baldwin County, Alabama, on, to-wit; U. S. Highway Number 90 at a point on said public highway approximately four and 9/10 miles West of the town of Loxley, Alabama where plaintiff's intestate's automobile had a right to be and while said automobile was being operated and driven along the said public highway the defendant wilfully and wantonly drove an automobile he was then and there driving into, over, upon or against the automobile of plaintiff's intestate and wilfully and wantonly injured plaintiff's intestate's automobile in this; the top, radiator, front axle, front wheels, frame, sides, motor, tires, fenders and other parts of plaintiff's automobile were broken, bent, smashed or otherwise damaged and injured all to the damage of plaintiff's intestate as aforesaid. The plaintiff alleges that his intestate's said damages to her said automobile were proximately caused by the wilful and wanton negligence of the defendant in that defendant wilfully and wantonly drove his said automobile into, over upon or against the automobile of plaintiff's intestate and as a proximate consequence thereof, plaintiff's intestate's automobile was wilfully and wantonly damaged and injured as aforesaid.

HORNE & WEBB

BY:

  
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

HORNE & WEBB

BY:

  
ATTORNEYS FOR PLAINTIFF.



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

November 25, 1957

MARY TEXAS HURT  
SECRETARY OF STATE

Honorable Douglas S. Webb  
Horne & Webb  
Attorneys at Law  
Atmore, Alabama

Re: Captain Sisby Holley /VS Ronald Jack Fry  
As Administrator of  
the Estate of Mary  
Agnes Holley, Deceased

Dear Mr. Webb:

Please refer to your file in the above-styled cause and be advised that on October 31, 1957, I sent by registered mail, return receipt requested, deliver to addressee only, my notice, with copy of Summons and Complaint attached, to:

ENS Ronald Jack Fry, USNR, 605886  
U. S. Naval Air Station  
Corpris Christi, Texas

On November 25, 1957, this letter (Registered No. 56268 ) was returned to me with reason for non-delivery given as "REFUSED" and "MAN SAYS HE BELIEVES FOR SOME OTHER OFFICER WITH APPROX. SAME NAME."

Will you please advise me as to any further efforts you wish me to make in perfecting this service.

Sincerely yours,

*Mary Texas Hurt Garner*  
Mary Texas Hurt Garner  
Secretary of State

*Jamie L. Pettigrew*  
By: Jamie L. Pettigrew  
Administrative Assistant

cc: Honorable Alice J. Duck, Clerk  
Circuit Court of BALDWIN County  
Bay Minette, Alabama



TO ANY SHERIFF OF THE STATE OF ALABAMA,  
GREETING:

Witness my hand, this 21 of September, 1957.

David J. Levee  
CLERK.

DEFENDANT.

The Plaintiff, Captain Sisby Holley, as administrator of the estate of Mary Agnes Holley, Deceased, claims of the defendant One Hundred Thousand and no/100 (\$100,000.00) Dollars as damages for this; that on, to-wit; the 7th day of November, 1956 plaintiff's intestate was a passenger in an automobile traveling East on U. S. Highway Number 90, a public highway in Baldwin County, Alabama and at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama where plaintiff's

intestate had a right to be and to travel as a passenger defendant negligently drove an automobile into, over, upon or against the automobile in which plaintiff's intestate was then and there riding and as a proximate consequence of the negligence of defendant on the said occasion plaintiff's intestate was so severely injured that she died.

(2)

The Plaintiff, Captain Sisby Holley, as administrator of the estate of Mary Agnes Holley, Deceased, claims of the defendant One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for this; that on, to-wit; the 7th day of November, 1956 plaintiff's intestate was riding as a passenger in an automobile over which plaintiff's intestate had no charge, direction or control and traveling East on U. S. Highway Number 90, a public highway in Baldwin County, Alabama and at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama in said county and state the defendant ran an automobile into, over, upon or against the automobile in which plaintiff's intestate was riding, as aforesaid, and as a proximate consequence thereof plaintiff's intestate was so severely injured that she died. And plaintiff avers that the defendant at said time and place wantonly injured plaintiff's intestate by wantonly running an automobile into, over, upon or against the automobile in which plaintiff's intestate was riding as a passenger at said time and place, and as a proximate consequence of said wanton conduct plaintiff avers that his intestate was caused to sustain and did sustain injuries so severe that she died.

(3)

The plaintiff, Captain Sisby Holley, as administrator of the estate of Mary Agnes Holley, Deceased, claims of the defendant One Hundred Thousand and no/100 (\$100,000.00) Dollars as damages for this, that on, to-wit; the 7th day of November, 1956 plaintiff's intestate was riding as a passenger in an automobile traveling East on U. S. Highway Number 90, a public highway in Baldwin County,

Alabama when at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama where plaintiff's intestate had a right to be and to travel the defendant wilfully and wantonly drove an automobile into, over upon or against the automobile in which plaintiff's intestate was then and there riding as a passenger and wilfully and wantonly injured plaintiff's intestate to such an extent that she died. Plaintiff avers that the death of his intestate was the proximate consequence of said wilful and wanton conduct on the part of the said defendant at the said time and place.

[14]

The plaintiff, Captain Sisby Holley, as administrator of the estate of Mary Agnes Holley, deceased, claims the further and additional sum other than the amounts claimed in counts one through three of this complaint Two Thousand and No/100 (\$2,000.00) Dollars as damages for that heretofore on, to-wit; November 7, 1956 the plaintiff's intestate's automobile was being operated along and upon a public highway in Baldwin County, Alabama, on, to-wit; U. S. Highway Number 90 at a point on said public highway approximately four and 9/10 miles West of the town of Loxley, Alabama where plaintiff's intestate's automobile had a right to be and while said automobile was being operated and driven along the said public highway an automobile which was being driven by the defendant ran upon, over or against the automobile of plaintiff's intestate causing damages and injuries to plaintiff's intestate's automobile in this; the top, radiator, front axle, front wheels, frame, sides, motor, tires, fenders and other parts of plaintiff's intestate's automobile were broken, bent, smashed or otherwise damaged and injured all to the damages of the plaintiff's intestate as aforesaid. The plaintiff alleges that his intestate's said damages to her said automobile were proximately caused by the negligence of the defendant, in that defendant negligently caused, allowed or permitted his said automobile to run upon, over or against the automobile of plaintiff's intestate and as a proximate consequence thereof, the plaintiff's intestate's automobile was damaged and injured as aforesaid.

(5)

The plaintiff, Captain Sisby Holley, as administrator of

the estate of Mary Agnes Holley, deceased, claims the further and additional sum (other than that claimed in counts one through three of this complaint) of Two Thousand and No/100 (\$2,000.00) Dollars as damages for that heretofore on, to-wit; November 7, 1956 the plaintiff's intestate's automobile was being operated along and upon a public highway in Baldwin County, Alabama, on, to-wit; U. S. Highway Number 90 at a point on said public highway approximately four and 9/10 miles West of the town of Loxley, Alabama where plaintiff's intestate's automobile had a right to be and while said automobile was being operated and driven along the said public highway the defendant wilfully and wantonly drove an automobile he was then and there driving into, over, upon or against the automobile of plaintiff's intestate and wilfully and wantonly injured plaintiff's intestate's automobile in this; the top, radiator, front axle, front wheels, frame, sides, motor, tires, fenders and other parts of plaintiff's automobile were broken, bent, smashed or otherwise damaged and injured all to the damage of plaintiff's intestate as aforesaid. The plaintiff alleges that his intestate's said damages to her said automobile were proximately caused by the wilful and wanton negligence of the defendant in that defendant wilfully and wantonly drove his said automobile into, over upon or against the automobile of plaintiff's intestate and as a proximate consequence thereof, plaintiff's intestate's automobile was wilfully and wantonly damaged and injured as aforesaid.

HORNE & WEBB

BY:

*Douglas & Webb*  
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

HORNE & WEBB

BY:

*Douglas & Webb*  
ATTORNEYS FOR PLAINTIFF.



90 1382

RECEIVED IN OFFICE  
SEP 23 1956.  
M. S. BUTLER, Sheriff

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

This the 31 day of Oct 19 57

Sheriff of Montgomery County  
M. S. Butler,

By Shokey n. D. S.

The Sheriff claims 2  
miles at 10c per mile for a total  
of \$ 200  
M. S. Butler, Sheriff  
Montgomery County, Ala.

RECORDED  
3342

Law Offices of  
**Horne & Webb**  
Attorneys at Law

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

CAPTAIN SISBY HOLLEY,

Plaintiff,

VS.

CIVIL ACTION NO. \_\_\_\_\_

RONALD JACK FRY,

Defendant.

PETITION OF DEFENDANT RONALD JACK FRY  
FOR REMOVAL TO UNITED STATES DISTRICT COURT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now your petitioner, Ronald Jack Fry, defendant in the above styled cause, and, appearing specially and for the sole purpose of filing this petition for removal, respectfully shows unto this Honorable Court as follows:

1. That the defendant, Ronald Jack Fry, is now and was at the time of the commencement of this suit a citizen and resident of the State of Pennsylvania, being a member of the armed forces and temporarily stationed in Bermuda; that this is an action brought by Captain Sisby Holley, a citizen and resident of the State of Alabama, against your petitioner, a citizen and resident of the State of Pennsylvania, and is one which can be fully determined between them.

2. That this is a suit to recover damages for the alleged wrongful injuries to the person which the plaintiff claims he has suffered as a result of the alleged negligence of the defendant.

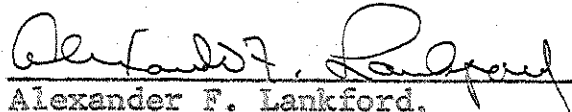
3. That the amount sued for and involved in this action exceeds the sum of Three Thousand Dollars (\$3,000.00), exclusive of interest and costs; that your petitioner has filed no pleading in said cause in the state court; that the time within which your petitioner is allowed by law to file his said petition for removal has not expired, and that your petitioner has a good defense to said cause. Your petitioner attaches hereto as Exhibit "A", and makes a part hereof, a copy of all process, pleadings, and orders purported to have been served upon him in such action.

4. Petitioner desires to remove this action to this Court on the ground of diversity of citizenship existing therein between the plaintiff, Captain Sisby Holley, and the petitioner in pursuance of the Acts of Congress in that behalf provided. Petitioner heretofore files and offers herewith bond with good and sufficient surety in the penal sum of Five Hundred Dollars (\$500.00) conditioned that the petitioner will pay all costs and disbursements incurred by reason of this said removal proceedings should it be determined that this action was wrongfully or improperly removed to this Court.

5. Petitioner represents that promptly upon the filing of this petition and the said bond filed herewith, this petitioner shall give written notice thereof to the adverse party and shall file a copy of the petition with the Clerk of the Circuit Court of Baldwin County, Alabama, wherein said action is now pending.

WHEREFORE, your petitioner prays that the said bond filed herewith be accepted as good and sufficient and that court will enter such order or orders as may be proper in the premises.

DATED this 4th day of October, 1957.

  
Alexander F. Lankford,  
Attorney for Ronald Jack Fry,  
Defendant  
Room 622 First National Bank Building  
Mobile, Alabama

OF COUNSEL:

HAND, ARENDALL & BEDSOLE



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

MARY TEXAS HURT GARNER  
SECRETARY OF STATE

June 4, 1958

Honorable Douglas S. Webb  
Horne & Webb  
Attorneys at Law  
Atmore, Alabama

Re: Captain Sisby Holley as Administrator  
VS Ronald Jack Fry

Dear Mr. Webb:

Please refer to your file in the above-styled cause and be advised that on April 4, 1958, I sent by registered mail, return receipt requested, deliver to addressee only, my notice, with copy of Summons and Complaint attached, to:

Lt. JG Ronald Jack Fry  
USN, VP 49  
Fleet Post Office  
New York City, New York

On June 2, 1958, this letter (Registered No. 51092) was returned to me with reason for non-delivery given as "REFUSED."

Will you please advise me as to any further efforts you wish me to make in perfecting this service.

Sincerely yours,

Mary Texas Hurt Garner  
Secretary of State

By: Jamie L. Pettigrew  
Administrative Assistant

cc: Honorable Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama

HARRY SEALE  
LAWYER  
FIRST NATIONAL BANK BUILDING  
MOBILE, ALABAMA

HARRY SEALE  
M. A. MARSHALL  
A. J. SEALE  
LEON G. DUKE

January 2, 1959

Mrs. Alice J. Duck  
Circuit Clerk  
County Courthouse  
Bay Minette, Alabama

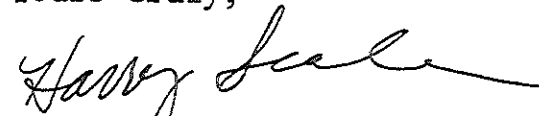
Dear Mrs. Duck:

Some time ago, the case of Captain Sisby Holley against Ronald Jack Fry was removed from your court to the Federal Court. As I understand it, an effort was made to serve the defendant by registered mail while he was in the service in Florida and that the envelope containing the summons and complaint was returned to you stamped "Refused". Honorable Frank G. Horne and his law partner have called my attention to the case of ex parte Smith, 62 So.2nd. 792, which indicates that such a return is prima facie service of the defendant.

I have just called the Federal Court, and the clerk there does not have the envelope or a copy of the envelope, and it is going to be necessary for me to file in the Federal Court a motion for a default judgment and the appointment of an attorney to represent the defendant, and it is necessary that I have an exact quotation of the statement stamped on the back of the envelope containing the registered mail addressed to the defendant. I should also like to have a quotation of the exact language on the front of the envelope, showing just how it was addressed.

My very highest personal regards and a wish to you and yours for a happy and prosperous new year.

Yours truly,

  
HARRY SEALE

HS:jh

cc: Messrs. Horne and Webb



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

BETTYE FRINK  
SECRETARY OF STATE

April 23, 1959

Honorable Douglas S. Webb  
Horne and Webb, Attorneys at Law  
Atmore, Alabama

Re: Captain Sisby Holley as Administrator of  
the Estate of Mary Agnes Holley, Deceased,  
VS Ronald Jack Fry

Dear Mr. Webb:

Please refer to your file in the above-styled cause and be advised that on January 15, 1959, I sent by registered mail, return receipt requested, deliver to addressee only, my notice, with copy of Summons and Complaint attached, to:

Lt. JG Ronald Jack Fry  
USN, VP 49  
Fleet Post Office  
New York City, New York

On April 20, 1959, this letter (Registered No. 59202) was returned to me with reason for non-delivery given as "Refused."

Will you please advise me as to any further efforts you wish me to make in perfecting this service.

Sincerely yours,

B. F.

Bettye Frink  
Secretary of State

cc: 7749

By: (Mrs.) Nancy H. Turner  
Administrative Assistant

cc: Honorable Alice J. Duck, Clerk

Circuit Court of Baldwin County  
Bay Minette, Alabama

NOTE: We have also received this date our notice together with Summons and Complaint which was mailed to Ronald Jack Fry on July 18, 1958 addressed as follows: USN VP 49, Fleet Post Office, New York City, New York. These papers have been out of this office over nine months. The envelopes for these were marked "REFUSED."



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

BETTYE FRINK  
SECRETARY OF STATE

April 23, 1959

Honorable Douglas S. Webb  
Horne and Webb, Attorneys at Law  
Atmore, Alabama

Re: Captain Sisby Holley VS  
Ronald Jack Fry

Dear Mr. Webb:

Please refer to your file in the above-styled cause and be advised that on ~~January 15, 1958~~ I sent by registered mail, return receipt requested, deliver to addressee only, my notice, with copy of Summons and Complaint attached, to:

Lt. JG Ronald Jack Fry  
USN, VP 49  
Fleet Post Office  
New York City, New York

On ~~April 20, 1959~~, this letter (Registered No. 59203 ) was returned to me with reason for non-delivery given as "Refused."

Will you please advise me as to any further efforts you wish me to make in perfecting this service.

Sincerely yours,

B. F.

Bettye Frink  
Secretary of State

7749

By: (Mrs.) Nancy H. Turner  
Administrative Assistant

cc: Honorable Alice J. Duck, Clerk  
Circuit Court of Baldwin County

Bay Minette, Alabama

NOTE: We have also received this date our notice together with Summons and Complaint which was mailed to Ronald Jack Fry on July 18, 1958 addressed as follows: USN VP 49, Fleet Post Office, New York City, New York. These papers have been out of this office over nine months. The envelopes for these were marked "REFUSED."



No 3342.

23 day of Sept 1957  
23 day of Sept 1957  
copy of the within  
Ladd, Jack May

TAYLOR WALKINS, Sheriff  
By Taylor Walkins  
omi

FILED  
SEP 21 1957  
ALICE L. BUCK, Clerk

Law Offices of  
Horne & Webb  
Attorneys at Law  
Atmore, Ala.