

3668

WILLIAM EDWARD PORTER,

Plaintiff

vs.

FORREST LEE BOYLES and  
THOMAS E. SMITH,

Defendants

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE:

The Plaintiff claims of the Defendants the sum of Twenty Thousand (\$20,000.00) Dollars as damages for that on, to-wit, September 4, 1958, on Alabama Highway No. 59, a public road in Baldwin County, Alabama, at a point approximately five miles west of Bay Minette, Baldwin County, Alabama, the Defendants, Forrest Lee Boyles and Thomas E. Smith, so negligently operated their motor vehicle as to cause or allow the same to run into, upon or against a motor vehicle belonging to the Plaintiff, which he was then and there operating; and the Plaintiff alleges that as a proximate consequence of the negligence of the Defendants, aforesaid, that he was caused to suffer and did suffer serious personal injuries in this: He was cut about the face and his body, he was made sick and sore, he suffered much physical pain and mental anguish, he was knocked unconscious, his neck and back were injured, he was caused to expend large sums in and about the care and treatment of his injuries and he lost time from his work; the Plaintiff further avers that he was permanently injured, all to the damage of the Plaintiff as aforesaid; wherefore he brings this suit and asks judgment in the above amount.


COUNT TWO:

The Plaintiff claims of the Defendants the sum of Seven Hundred and Fifty (\$750.00) Dollars as damages for that on, to-wit, September 4, 1958, at approximately 8:45 o'clock P. M. on Alabama Highway #59, a public road in Baldwin County, Alabama, at a point approximately five miles west of Bay Minette, Baldwin County, Alabama, the Defendants, Forrest Lee Boyles and Thomas E. Smith, so negligently operated their motor vehicle at said time and place as to cause or allow said motor vehicle to run into, or upon or against, a motor

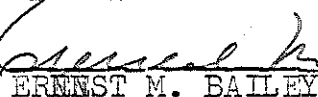
vehicle belonging to the Plaintiff and which he was then and there operating; and as a proximate consequence or result of the negligence of the Defendants, aforesaid, the motor vehicle of the Plaintiff was greatly and seriously damaged in this: The doors were bent and broken, the upper panel assembly was bent and broken, back panel assembly was bent and broken, the windows were broken, the running boards on the right and left sides were broken, the fenders were bent and broken, the frame was bent and broken, and the said motor vehicle was otherwise bent and broken and damaged and the Plaintiff was caused to incur a wrecker bill; all to the damages of the Plaintiff as aforesaid; wherefore he brings this suit and asks judgment in the amount above stated.

COUNT THREE:

The Plaintiff claims of the Defendants the sum of Twenty Thousand (\$20,000.00) Dollars as damages for that on, to-wit, September 4, 1958 on Alabama Highway #59, a public road in Baldwin County, Alabama, at or near a point approximately five miles west of Bay Minette, Baldwin County, Alabama, the Defendants, Forrest Lee Boyles and Thomas E. Smith, wantonly injured the Plaintiff by wantonly causing or allowing their automobile, which the Defendants were then and there driving, at said time and place, to run into, upon or against the motor vehicle belonging to the Plaintiff and which he was then and there operating; as a proximate result of said wanton conduct the Plaintiff was caused to suffer and did suffer serious personal injuries in this: He was cut about the face and his body, he was made sick and sore, he suffered much physical pain and mental anguish, he was permanently injured, he was caused to expend large sums in and about the care and treatment of his injuries and he lost time from his work, all to the damage of the Plaintiff as aforesaid; wherefore he brings this suit and asks judgment in the above amount.

  
ATTORNEY FOR THE PLAINTIFF

PLAINTIFF DEMANDS A TRIAL  
ON THIS CAUSE BY JURY

  
ERNEST M. BAILEY

ADDRESS OF FORREST LEE BOYLES,  
Bob's Trailer Court, Bay Minette, Ala.  
ADDRESS OF THOMAS E. SMITH:  
504 or 500 East Second Street  
Bay Minette, Alabama

# APPEARANCE

BALDWIN

State of Alabama - - = ~~Mobile~~ County

CIRCUIT COURT --- CIVIL DIVISION

WILLIAM EDWARD PORTER,

Plaintiff,

vs

FORREST LEE BOYLES AND  
THOMAS E. SMITH,

Defendants

CASE NO. ....

Mobile, Ala., Oct. 28th 1958

Lyons, Pipes & Cook appear for

Forrest Lee Boyles Defendants  
and Thomas E. Smith

in the above entitled cause and reserve the right to demur or plead specially.

FILED

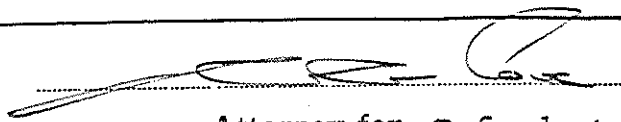
Filed

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MADE I. DUCK, CLERK  
REGISTER

Clerk

  
Attorney for Defendants

WILLIAM EDWARD PORTER,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
Vs	)	AT LAW
FORREST LEE BOYLES AND	)	
THOMAS E. SMITH,	)	
Defendants.	)	NO _____

Come now the defendants Forrest Lee Boyles and Thomas E. Smith, and demur to the plaintiff's complaint, and to each count thereof, and as grounds for said demurrer set down and assign the following separately and severally:

1. Said count fails to allege facts showing any duty owed by the defendants to the plaintiff.

2. Said count fails to allege the violation of any duty owed by the defendants to the plaintiff.

3. Said count fails to allege facts showing the violation of any duty owed by the defendants to the plaintiff.

4. For aught that appears from said count, the accident did not occur on a public street.

5. For aught that appears from said count, the plaintiff was not at a place where he had a legal right to be at the time and place complained of.


6. For aught that appears from said count, the injuries and damages suffered by the plaintiff were not the proximate result of any act or failure to act on the part of the defendants.

7. For that said count fails to allege any casual connection between the alleged negligence of the defendants and the alleged injuries and damages of the plaintiff.

8. For that said count attempts to allege the negligence of the defendants but does not allege facts which as a matter of law constitutes negligence.

9. For that no facts are alleged to show joint liability on the part of the defendants.
10. For that no facts are alleged to show any individual liability on the part of these defendants.
11. For that said count fails to allege facts to show negligence with sufficient certainty against either defendant.
12. For that there is a misjoinder of causes of action.
13. For that there is a misjoinder of parties.

LYONS, PIPES AND COOK  
Attorneys for Defendants Forrest Lee  
Boyles and Thomas E. Smith



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Walter M. Cook

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Forrest Lee Boyles and Thomas E. Smith

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 \_\_\_\_\_

Forrest Lee Boyles and Thomas E. Smith

\_\_\_\_\_, Defendant\_\_

by Mrs. Mazie McMillan, as the mother and next friend of Edward McMillan, *of Minnet*

\_\_\_\_\_, Plaintiff\_\_

Witness my hand this 3rd day of October 19 58

*David F. Smith*, Clerk

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY }

CIRCUIT COURT, BALDWIN COUNTY

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 19 58

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon FORREST LEE BOYLES and THOMAS E. SMITH

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 FORREST LEE

BOYLES and THOMAS E. SMITH, Defendant S

by WILLIAM EDWARD PORTER

\_\_\_\_\_, Plaintiff \_\_\_\_\_

Witness my hand this 7 day of October 19 58

Alice J. Duck, Clerk