



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

December 29, 1958

3719

MARY TEXAS HURT GARNER
SECRETARY OF STATE

Honorable J. B. Blackburn
Blackburn & Owens
Attorneys at Law
P. O. Box 59
Bay Minette, Alabama

Re: William Booker VS Newman Gauthier, et al

Dear Mr. Blackburn:

Please refer to your file in the above-styled cause and be advised that on December 16, 1958, I sent by registered mail, return receipt requested, deliver to addressee only, my notice, with copy of Summons and Complaint attached, to:

Newman Gauthier
Route 1
Hessmer, Louisiana

On December 29, 1958, this letter (Registered No. 58777) was returned to me with reason for non-delivery given as "MOVED, LEFT NO ADDRESS".

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

Sincerely yours,

M. T. H. G.

Mary Texas Hurt Garner
Secretary of State

N. H. J.

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

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

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS (1900-1957)

SAM W. PIPES, III

WALTER M. COOK

FRANK T. POPE, JR.

January 7, 1958

Miss Alice Duck,
Clerk of the Circuit Court of
Baldwin County,
Bay Minette, Alabama.

Re: William Booker, Plaintiff vs Wilson Bruton,
Howard Pearson and Newman Gauthier; Defendants,


Newman Gauthier, Plaintiff vs Howard Walter
Pearson and Wilson Bruton, individually and
d/b/a Valiant Vegetable Company, Defendants.
In the Circuit Court of Baldwin County, Alabama.

Dear Miss Duck:

Enclosed please find demurrers to be filed in these two cases.
We will appreciate it if you will immediately acknowledge receipt
of the same in the enclosed self addressed envelope.

Yours truly,

LYONS, PIPES AND COOK



Walter M. Cook

WMC/a
encl

December 17, 1958

NEWMAN GAUTHIER, Plaintiff
VS
WILSON BRUTON, et al, Defendants

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

CASE NO. 3719

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

I, Mary Texas Hurt Garner, Secretary of State, hereby certify that on December 9, 1958
I sent by registered mail in an envelope addressed as follows:

“

Wilson Bruton
Terminal Market
San Antonio, Texas”

“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:

“

Wilson Bruton
Terminal Market
San Antonio, Texas

You will take notice that on December 9, 1958 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: NEWMAN GAUTHIER, Plaintiff VS WILSON BRUTON, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. AT LAW.

Case No. 3719 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 9
day of December 1958

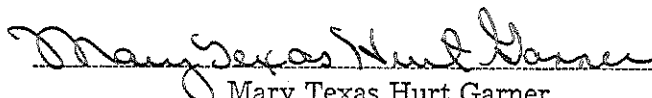
Enclosure (1)

(Signed) Mary Texas Hurt Garner
Secretary of State”

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

I further certify that on December 17, 1958 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at San Antonio, Tex.
on Dec 13 1958 Sta. A

WITNESS MY HAND and the Great Seal of the State of Alabama this the 17 day
of December 1958


Mary Texas Hurt Garner
Secretary of State

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

cc: Honorable T.J. Mashburn
Attorney at Law
Box 192
Bay Minette, Alabama

NEWMAN GAUTHIER,

Plaintiff,

VS

HOWARD WALTER PEARSON, and
WILSON BRUTON, individually
and d/b/a VALIANT VEGETABLE
COMPANY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. _____

C O U N T O N E

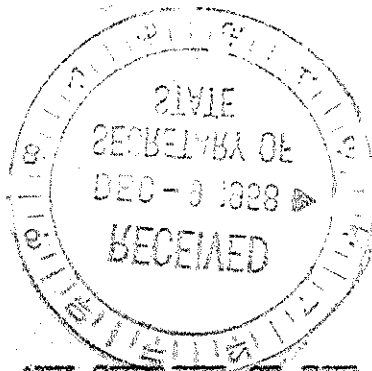
Plaintiff claims of the defendants the sum of SIX THOUSAND FIVE HUNDRED (\$6,500.00) DOLLARS, as damages, for that, heretofore, on, to-wit: December 14, 1957, at about 12.45 P. M. o'clock, on U. S. Highway Number 90, a Public Highway in Baldwin County, Alabama, at a point 1.6 miles West of the Seminole Community, in Baldwin County, the defendant, HOWARD WALTER PEARSON, who was then and there an agent, servant or employee of the defendant, WILSON BRUTON, individually, and doing business as VALIANT VEGETABLE COMPANY, acting within the line and scope of his employment as such, so negligently operated a tractor and trailer, belonging to the defendant, WILSON BRUTON, individually, and doing business as VALIANT VEGETABLE COMPANY, as to cause, permit or allow said tractor and trailer to run into, upon, or against an automobile vehicle which was then and there being operated by one WILLIAM BOOKER, and as a proximate result and consequence thereof, the car of the said WILLIAM BOOKER was thrown against the side of plaintiff's 1957 Ford 750 Tractor and Trailer, and the gasoline tank of one of the vehicles was damaged and burst into flames, causing great damage to plaintiff's tractor, trailer and the contents of the trailer, viz: plaintiff's tractor was completely destroyed, his trailer was badly damaged, one of the tires and tubes on the trailer was completely ruined, the cargo of fruit which was in plaintiff's trailer was ruined, causing plaintiff to lose the cost of the cargo as well as prospective profits, plaintiff was forced to expend large sums of money for towing charges to get his trailer back to his home in Hessmer, Louisiana, and plaintiff was forced to expend large sums of money in having said trailer repaired, ^{and} ~~as~~ was deprived of the use of said tractor and trailer for a long period of time, to-wit:

HOWARD WALTER PEARSON, acting as the agent, servant or employee of the defendant, WILSON BRUTON, individually, and doing business as VALIANT VEGETABLE COMPANY, in that he negligently caused, permitted or allowed the tractor and trailer which he was operating to run, into, upon or against the automobile of the said WILLIAM BOOKER; wherefore he sues.

Justin H. Maslibere
ATTORNEY FOR PLAINTIFF.

Plaintiff demands that this cause be tried by a jury.

Justin H. Maslibere
ATTORNEY FOR PLAINTIFF



STATE OF ALABAMA, 0
COUNTY OF BALDWIN. 0

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon HOWARD WALTER PEARSON, and
WILSON BRUTON, individually, and doing business as VALIANT
VEGETABLE COMPANY to appear within thirty days from the service
of this writ in the Circuit Court, to be held for said County,
at the place of holding the same, then and there to answer the
complaint of NEWMAN GAUTHIER.

Witness my hand, this 6th day of December, 1958.

Alvin J. Duck
CLERK

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW,

NO.

3719

MEYMAN GAUTHIER,

Plaintiff,

Vs.

HOWARD WALTER PEARSON, and
WILSON BRUTON, individually,
and doing business as VALLANT
VEGETABLE COMPANY,

Defendants.

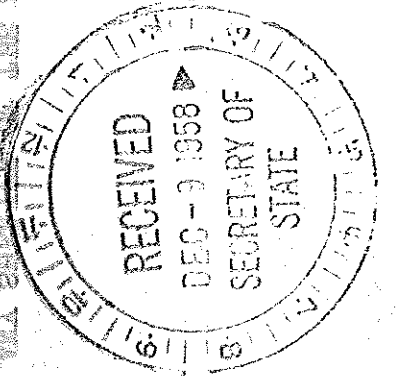
FILED

DEC 16 1958

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT.

HOWARD WALTER PEARSON may be
served at 1631 San Angelo, San
Antonio, Texas; WILSON BRUTON
may be served at the Terminal
Market, San Antonio, Texas.



COMMISSIONER OF REVENUE
STATE OF ALABAMA

TO THE SECRETARY OF THE STATE OF ALABAMA

FOR THE PURPOSES OF THE ALABAMA REVENUE CODE

December 19, 1958

NEWMAN GAUTHIER, Plaintiff
VSIN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. AT LAW.

HOWARD WALTER PEARSON, et al, Defendants

CASE NO. 3719

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

I, Mary Texas Hurt Garner, Secretary of State, hereby certify that on December 9, 1958
I sent by registered mail in an envelope addressed as follows:

“

Howard Walter Pearson
1631 San Angelo
San Antonio, Texas”

“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:

“

Howard Walter Pearson
1631 San Angelo
San Antonio, Texas

You will take notice that on December 9, 1958 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: NEWMAN GAUTHIER, Plaintiff VS HOWARD WALTER PEARSON, et al
Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. AT LAW.
Case No. 3719 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 9
day of December 1958

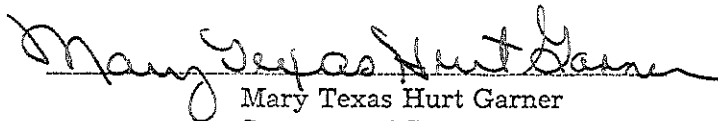
Enclosure (1)

(Signed) Mary Texas Hurt Garner
Secretary of State”

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

I further certify that on December 18, 1958 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Not Given
on 12-15-58

WITNESS MY HAND and the Great Seal of the State of Alabama this the 19 day
of December 1958


Mary Texas Hurt Garner
Secretary of State

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

cc: Honorable T. J. Mashburn
Attorney at Law
Box 192
Bay Minette, Alabama

NEWMAN GAUTHIER,

Plaintiff,

VS

HOWARD WALTER PEARSON, and
WILSON BRUTON, individually
and d/b/a VALIANT VEGETABLE
COMPANY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. _____

C O U N T O N E

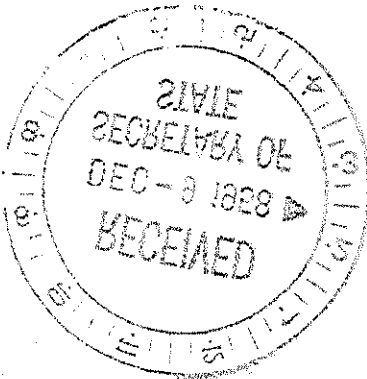
Plaintiff claims of the defendants the sum of SIX THOUSAND FIVE HUNDRED (\$6,500.00) DOLLARS, as damages, for that, heretofore, on, to-wit: December 14, 1957, at about 12:45 P. M. o'clock, on U. S. Highway Number 90, a Public Highway in Baldwin County, Alabama, at a point 1.6 miles West of the Seminole Community, in Baldwin County, the defendant, HOWARD WALTER PEARSON, who was then and there an agent, servant or employee of the defendant, WILSON BRUTON, individually, and doing business as VALIANT VEGETABLE COMPANY, acting within the line and scope of his employment as such, so negligently operated a tractor and trailer, belonging to the defendant, WILSON BRUTON, individually, and doing business as VALIANT VEGETABLE COMPANY, as to cause, permit or allow said tractor and trailer to run into, upon, or against an automobile vehicle which was then and there being operated by one WILLIAM BOOKER, AND as a proximate result and consequence thereof, the car of the said WILLIAM BOOKER was thrown against the side of plaintiff's 1957 Ford 750 Tractor and Trailer, and the gasoline tank of one of the vehicles was damaged and burst into flames, causing great damage to plaintiff's tractor trailer and the contents of the trailer, viz: plaintiff's tractor was completely destroyed, his trailer was badly damaged, one of the tires and tubes on the trailer was completely ruined, the cargo of fruit which was in plaintiff's trailer was ruined, causing plaintiff to lose the cost of the cargo as well as prospective profits, plaintiff was forced to expend large sums of money for towing charges to get his trailer back to his home in Hesser, Louisiana, and plaintiff was forced to expend large sums of money in having said trailer repaired, and was deprived of the use of said tractor and trailer for a long period of time, to-wit: thirty days; And plaintiff avers that all of his damages were the proximate result and consequence of the negligence of the defendant,

HOWARD WALTER PEARSON, acting as the agent, servant or employee of the defendant, WILSON BRUTON, individually, and doing business as VALIANT VEGETABLE COMPANY, in that he negligently caused, permitted or allowed the tractor and trailer which he was operating to run, into, upon or against the automobile of the said WILLIAM BOOKER; wherefore he sues.

Julius H. Madliburn
ATTORNEY FOR PLAINTIFF.

Plaintiff demands that this cause be tried by a jury.

Julius H. Madliburn
ATTORNEY FOR PLAINTIFF.



STATE OF ALABAMA,
COUNTY OF BALDWIN.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon HOWARD WALTER PEARSON, and
WILSON BRUTON, individually, and doing business as VALLANT
VEGETABLE COMPANY to appear within thirty days from the service
of this writ in the Circuit Court, to be held for said County,
at the place of holding the same, then and there to answer the
complaint of NEWMAN GAUTHIER.
Witness my hand, this 6th day of December, 1958.

Reice Truck
CLERK

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 3719

NEWMAN GAUTHIER,

Plaintiff,

VS.

HOWARD WALTER PEARSON, and
WILSON BRUTON, individually,
and doing business as VALLANT
VEGETABLE COMPANY,

FILED

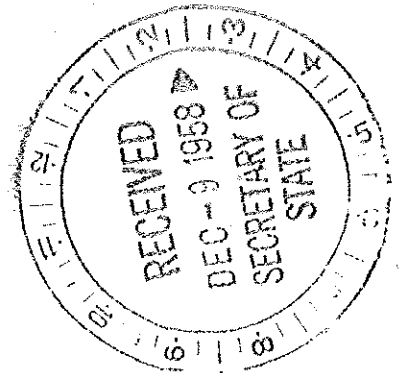
Defendants.

DEC 16 1958

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT.

HOWARD WALTER PEARSON may be
served at 1631 San Angelo, San
Antonio, Texas; WILSON BRUTON
may be served at the Terminal
Market, San Antonio, Texas.



NEWMAN GAUTHIER,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA.
Vs)	AT LAW
HOWARD WALTER PEARSON, and)	
WILSON BRUTON, individually)	
and d/b/a VALIANT VEGETABLE)	
COMPANY,)	
Defendants.)	NO _____

Come now the defendants Howard Walter Pearson and Wilson Bruton, individually and doing business as Valiant Vegetable Company, 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 the violation of any duty owed by these defendants to the plaintiff.
2. Said count fails to allege facts showing the violation of any duty owed by these defendants to the plaintiff.
3. For aught that appears from said count, the accident did not occur on a public street.
4. 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.
5. 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 these defendants.
6. For that said count fails to allege any casual connection between the alleged negligence of these defendants and the alleged injuries and damages of the plaintiff.
7. For that said count attempts to allege the negligence of these defendants but does not allege facts which as a matter of law constituted negligence.
8. For that the allegations thereof are so vague and indefinite that these defendants are not advised thereby of the matters and things to be defended.

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 there is a misjoinder of causes of action.

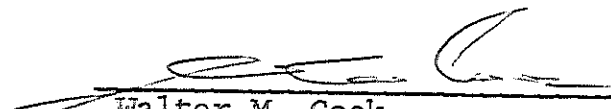
12. For that there is a misjoinder of parties.

13. For that the said complaint attempts to proceed against both defendants in the same counts, separately and severally.

14. For that the plaintiff seeks to hold the defendants liable for trespass and case, in the same count.

Filed
Jan 8, 1959

LYONS, PIPES AND COOK
Attorneys for Defendants


Walter M. Cook

3719

Gauthier
vs
Pearson

FILED

JAN 78 1959

ALICE J. DICK CLERK

STATE OF ALABAMA, 0
COUNTY OF BALDWIN. 0

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon HOWARD WALTER PEARSON, and WILSON BRUTON, individually, and doing business as VALIANT VEGETABLE COMPANY to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County, at the place of holding the same, then and there to answer the complaint of NEWMAN GAUTHIER.

Witness my hand, this 6th day of December, 1958.

*Executed
Dec. 9, 1958
By service on
sec. of State*

44 *W. H. H. H. H.*
CLERK

NEWMAN GAUTHIER,

Plaintiff,

VS

HOWARD WALTER PEARSON, and
WILSON BRUTON, individually
and d/b/a VALIANT VEGETABLE
COMPANY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. _____

C O U N T O N E

Plaintiff claims of the defendants the sum of SIX THOUSAND FIVE HUNDRED (\$6,500.00) DOLLARS, as damages, for that, heretofore, on, to-wit: December 14, 1957, at about 12:45 P. M. o'clock, on U. S. Highway Number 90, a Public Highway in Baldwin County, Alabama, at a point 1.6 miles West of the Seminole Community, in Baldwin County, the defendant, HOWARD WALTER PEARSON, who was then and there an agent, servant or employee of the defendant, WILSON BRUTON, individually, and doing business as VALIANT VEGETABLE COMPANY, acting within the line and scope of his employment as such, so negligently operated a tractor and trailer, belonging to the defendant, WILSON BRUTON, individually, and doing business as VALIANT VEGETABLE COMPANY, as to cause, permit or allow said tractor and trailer to run into, upon, or against an automobile vehicle which was then and there being operated by one WILLIAM BOOKER, AND as a proximate result and consequence thereof, the car of the said WILLIAM BOOKER was thrown against the side of plaintiff's 1957 Ford 750 Tractor and Trailer, and the gasoline tank of one of the vehicles was damaged and burst into flames, causing great damage to plaintiff's tractor, trailer and the contents of the trailer, viz: plaintiff's tractor was completely destroyed, his trailer was badly damaged, one of the tires and tubes on the trailer was completely ruined, the cargo of fruit which was in plaintiff's trailer was ruined, causing plaintiff to lose the cost of the cargo as well as prospective profits, plaintiff was forced to expend large sums of money for towing charges to get his trailer back to his home in Hessmer, Louisiana, and plaintiff was forced to expend large sums of money in having said trailer repaired, and was deprived of the use of said tractor and trailer for a long period of time, to-wit: thirty days; And plaintiff avers that all of his damages were the proximate result and consequence of the negligence of the defendant,

HOWARD WALTER PEARSON, acting as the agent, servant or employee of the defendant, WILSON BRUTON, individually, and doing business as VALIANT VEGETABLE COMPANY, in that he negligently caused, permitted or allowed the thactor and trailer which he was operating to run, into, upon or against the automobile of the said WILLIAM BOOKER; wherefore he sues.

Jessie A. Maschburn
ATTORNEY FOR PLAINTIFF.

Plaintiff demands that this cause be tried by a jury.

Jessie A. Maschburn
ATTORNEY FOR PLAINTIFF

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 3719

NEWMAN GAUTHIER,

Plaintiff,

VS.

HOWARD WALTER PEARSON, and
WILSON BRUTON, individually,
and doing business as VALIANT
VEGETABLE COMPANY,

Defendants.

FILED

DEC 6 1938

ALICE J. DUCK, CLERK
REGISTER
SUMMONS AND COMPLAINT.

HOWARD WALTER PEARSON may be
served at 1631 San Angelo St.,
San Antonio, Texas.

TELFAIR J. MASHBURN, JR.

ATTORNEY-AT-LAW

BAY MINETTE, ALABAMA

WILSON BRUTON may be served at
Terminal Market, San Antonio, Texas

Executed by serving 6 copies of
the within on Mary Texas Hurt, Garned
Secretary of State of The State of
Alabama.
(This the 7 day of Dec 1938.)

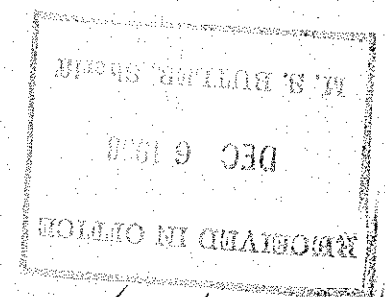
Sheriff of Montgomery County

M. S. Butler,

By Duke D. S.

The Sheriff claims 2
miles at 10c per mile for a total
of \$ 20

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

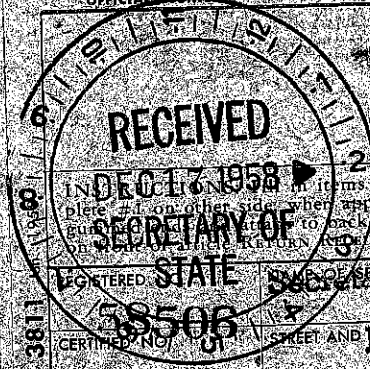


1561

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
PAYMENT OF POSTAGE

POSTAGE
DELIVERED



INSTRUCTIONS: In items below, and in items below, please fill in on other side, when applicable. Moisture-resistant ink to back of stamp. Prior to delivery, return to post office.

REGISTERED STATE NAME OF SENDER

CERTIFIED NO. 58506

INSURED NO. STREET AND CITY, ZONE AND STATE

INSURED NO. CITY, ZONE AND STATE

INSURED NO. CITY, ZONE AND STATE

INSURED NO. CITY, ZONE AND STATE

INSURED NO. CITY, ZONE AND STATE

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INSURED NO. CITY, ZONE AND STATE

RETURN TO

CS 54-18-71528-4

NEWMAN GAUTHIER VS WILSON BRUTON, et al

1-INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver ONLY to addressee

☐ Show address where delivered

(Additional charges required for these services) 3719

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Wilson Bruton

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DELIVER TO ADDRESSEE ONLY

DATE DELIVERED

DEC 13 1958

ADDRESS WHERE DELIVERED (only if requested in item #1)