

STATE OF ALABAMA,
BALDWIN COUNTY.

IN THE CIRCUIT COURT-LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Robert L. Burke and Mrs. Robert L. Burke to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Complaint of Leon ~~Naworski~~ *Naworski*.

Witness my hand this 3rd day of November, 1931.

J. W. [Signature]
Clerk.

COMPLAINT.

LEON *Naworski*
~~Naworski~~,

Plaintiff,

-vs-

ROBERT L. BURKE and MRS.
ROBERT L. BURKE,

Defendants.

IN THE CIRCUIT COURT-LAW SIDE
STATE OF ALABAMA
BALDWIN COUNTY.

1st. The Plaintiff claims of the Defendants the sum of Five Thousand Dollars (\$5,000.00), as damages, for in this: For that on, to-wit, October 30th, 1931, Robert L. Burke, one of the Defendants, while operating an automobile, the property of Mrs. Robert L. Burke, for and as the agent of the said Mrs. Robert L. Burke, and while acting within the line and scope of his agency, along that certain highway leading from Robertsdale, Alabama, to Pensacola, Florida, at a point about three miles west of the Florida-Alabama Boundary Line, so negligently operated said automobile as to cause the same to be run into or against an automobile truck in which the Plaintiff was then riding, causing said Plaintiff to be precipitated from said automobile truck and thrown or hurled violently against the ground, causing him serious and grievous bodily harm.

2nd. Plaintiff's head was badly hurt, and that by reason of said negligence has suffered serious and grievous bodily pains, and that he was forced to employ a physician and has incurred a bill for such services in the sum of more than Five Hun-

dred Dollars (\$500.00).

3rd. Plaintiff claims of Robert L. Burke, one of the Defendants, the further sum of Five Thousand Dollars (\$5000.00), for in this: That Robert L. Burke, while operating an automobile, the property of Mrs. Robert L. Burke, for and as the agent of the said Mrs. Robert L. Burke, and while acting within the line and scope of his agency, on the highway leading from Robertsdale, Alabama, to Pensacola, Florida, three miles west of the Florida-Alabama Boundary Line, so wantonly and recklessly operated said automobile as to cause the same to be wantonly and recklessly run against an automobile truck which Plaintiff was then traveling in on said highway, causing said truck to be turned over and Plaintiff to be precipitated therefrom, which resulted in serious bodily injuries to Plaintiff, causing him to be almost scalped, and by reason thereof Plaintiff found it necessary to employ a physician and has incurred obligations to more than Five Hundred Dollars (\$500.00) for such purposes--hence this suit.

John L. Heard & Chason
Attorneys for Plaintiff.

Plaintiff demands trial by Jury.

John L. Heard & Chason
Attorneys for Plaintiff.

LEON NOOAKOUSKI, :
Plaintiff, :
-vs- : IN THE CIRCUIT COURT OF
ROBERT L. BURKE and MRS. : BALDWIN COUNTY, ALABAMA.
ROBERT L. BURKE, :
Defendants. : AT LAW.
:

Comes your petitioners, Robert L. Burke and Mrs.
Robert L. Burke, the defendants in the above styled
cause, and show unto this Honorable Court:

That the plaintiff in this suit was, at the
time of the commencement of the suit, and ever since
has been and now is a resident of the State of Alabama;
that, at the time of the commencement of this suit, and
ever since, the defendants were and still are citizens of
the State of Florida, with their residence in said State;
that the amount in dispute in the above entitled cause
exceeds the sum of Three Thousand Dollars (\$3000.00),
excessive of costs and interest, and that said suit was,
at the time of the filing thereof, and still is, between
citizens of different states; that the time required by
law for answering and pleading to the complaint in such
cause, under the laws of the State of Alabama, and the
rules of the Circuit Court of Baldwin County, Alabama,
has not yet expired.

Your petitioners herewith tender good and suf-
ficient bond, as required by law, to remove said cause,
and have given the adverse party, through his attorneys
of record, due notice of their intention to file this
petition.

WHEREFORE, your petitioners pray that this
Honorable Court proceed no further herein, except to
make the order of removal by law, and to accept and a
approve the surety bond herewith tendered, and to cause
the record herein to be filed in the United States

District Court for the Southern Division of the Southern
District of Alabama, in which said district the County
of Baldwin, State of Alabama, is embraced.

ROBERT L. BURKE and MRS. ROBERT L.
BURKE,

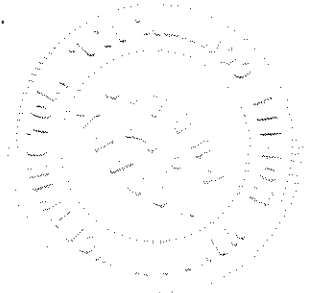
By Smith & Johnston
Their Attorneys.

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me, Vivian Worthington,
a Notary Public in and for said state and county, P. C.
Fountina, who, being by me first duly sworn, deposes and
says that he is one of the attorneys for the petitioners
in the above styled cause, and, as such, is duly authoriz-
ed to make this affidavit in their behalf, and that the
statements contained in the foregoing petition are true.

Subscribed and sworn to before me this 25th
day of November, 1931.

Vivian Worthington
Notary Public, Mobile County, Alabama.



LEON NOOAKOUSKI, :
 Plaintiff, :
 -vs- : IN THE CIRCUIT COURT OF
 : BALDWIN COUNTY, ALABAMA.
 ROBERT L. BURKE, and MRS. :
 ROBERT L. BURKE, : AT LAW.
 Defendants. :

KNOW ALL MEN BY THESE PRESENTS, that Robert L. Burke and Mrs. Robert L. Burke, citizens of the State of Florida, as principals, and the Home Indemnity Company of New York, as surety, are held and firmly bound unto the above named plaintiff, in the penal sum of Five Hundred Dollars (\$500.00) for the payment of which well and truly to be made, we bind ourselves, our successors and assigns jointly and severally, firmly by these presents.

YET, UPON THIS CONDITION, that the said Robert L. Burke and Mrs. Robert L. Burke, have filed their petition in this Court for the removal of said above entitled cause to the District Court of the United States for the Southern Division of the Southern District of Alabama, at Mobile, Alabama; now, if the said Robert L. Burke and Mrs. Robert L. Burke shall enter in the said District Court of the United States, in Mobile, Alabama, within thirty days after the filing of said petition, a certified copy of the record in said suit, and shall well and truly pay all costs that may be inserted by the District Court of the United States, if said court shall hold that said suit was wrongfully or improperly removed thereto, then this obligation to be void; otherwise, it shall remain in full force and effect.

WITNESS our hands this 25th day of November, 1931.

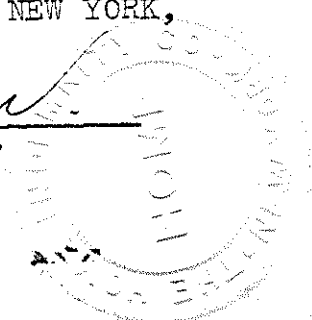
ROBERT L. BURKE and MRS. ROBERT L. BURKE,

By Smith & Kesterson
 Their Attorneys.

HOME INDEMNITY COMPANY OF NEW YORK,

By Joe M. Allen
 Attorneys-in-fact.

*Approved Mar. 28th 1931,
 J. W. Hare
 Circuit Judge*



LEON NOOAKOUSKI, :
Plaintiff, :
-vs- : IN THE CIRCUIT COURT OF
ROBERT L. BURKE, and MRS. : BALDWIN COUNTY, ALABAMA.
ROBERT L. BURKE, :
: AT LAW.
Defendants. :

TO MESSRS. HYBART, HEARD AND CHASON, Attorneys of Record
for plaintiff in the above styled cause:

Please take notice that the defendants in the
above styled cause intend to, and will, on the 25th
day of November, 1931, file in the Circuit
Court of Baldwin County, Alabama, a petition and bond
in the form hereto attached for the removal of said
cause to the District Court of the United States for the
Southern Division of the Southern District of Alabama,
and will, as soon thereafter as counsel can be heard, ~~in~~
move the Court for an order removing said cause to the
District Court of the United States for the Southern
Division of the Southern District of Alabama.

Dated this 25th day of November, 1931.

Smith & Johnston
Attorneys for Defendants.

We hereby accept service of a copy of the above
and foregoing notice, together with a copy of the petition
and bond referred to therein, and waive further notice of
said petition and bond, and defendants' intention to file
the same, and of the filing of said petition and bond, and
consent that said petition for the removal of said cause
be heard by the Judge of the Circuit Court of Baldwin
County, Alabama, without further notice to us.

Dated this 25th day of November, 1931.

Hybart, Heard, & Chason
Attorneys for Plaintiff.

LEON NOOAKOUSKI,

Plaintiff,

vs-

ROBERT L. BURKE, and Mrs.
ROBERT L. BURKE,

Defendants .

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

THIS CAUSE, coming on for hearing, upon application of the defendants herein for an order transferring the cause to the United States District Court for the Southern Division of the Southern District of Alabama, at Mobile, Alabama, and it appearing to the Court that the defendants have filed their petition for such removal in due form of law, and have also filed their bond duly conditioned, with good and sufficient sureties, as provided by law, and it appearing to the Court that this is a proper cause for removal to said District Court;

NOW, THEREFORE, it is hereby ordered, adjudged, and decreed that this cause be and is hereby removed to the said District Court of the United States for the Southern Division of the Southern District of Alabama, at Mobile, Alabama, and the Clerk is hereby directed to make up a certified copy of the record in said cause for transmission to the said District Court forthwith.

Dated this 28th day of September 1931.

F. W. Hare
Judge of the Circuit Court of Baldwin
County, Alabama.

STATE OF ALABAMA.

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That we, Wayne G. McGowan, as Principal, and the undersigned as Sureties, are held and firmly bound unto G. F. Oglesby in the sum of Three Hundred Dollars (\$300.00) to be paid to the said G. F. Oglesby, his heirs, executors, administrators or assigns, for the payment of which well and truly to be made, we bind ourselves and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 25th day of November, 1931.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH: That, Whereas, the above bound Wayne G. McGowan has this day prayed for and obtained an attachment against the estate of the said G. F. Oglesby for the principal sum of One Hundred Forty-one & 65/100 Dollars (\$141.65), with interest and attorneys' fees, returnable to the Circuit Court of Baldwin County, Alabama, as required by law;

NOW, if the said Wayne G. McGowan will prosecute the attachment to effect and pay the Defendant all such damages as he may sustain by the wrongful or vexatious suing out of such attachment, then this obligation to be void, otherwise to remain in full force and effect.

Wayne G. McGowan SEAL

Joseph G. Barguin SEAL

[Signature] SEAL

Taken and approved this
November 25th 1931.

[Signature]
Clerk.

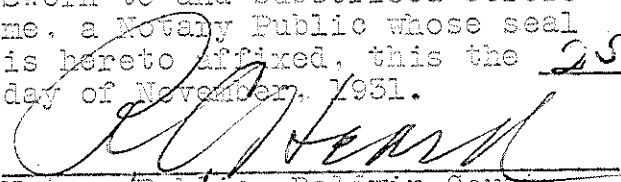
STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, the undersigned authority in and for said County in said State, personally appeared Wayne G. McGowan, who is known to me and who, after being by me first duly and legally sworn deposes and says under oath as follows:

That his name is Wayne G. McGowan; that he is the Plaintiff in that certain suit now pending in the Circuit Court, Law Side, of Baldwin County, Alabama, wherein Wayne G. McGowan is the Plaintiff and G. F. Oglesby is the Defendant; that the said G. F. Oglesby is indebted to Wayne G. McGowan in the principal sum of One Hundred Forty-one & 65/100 Dollars (\$141.65) with interest and attorneys' fees; that the same is justly due; that the said G. F. Oglesby has money, property or effects liable to satisfy his debt which he fraudulently withholds, and that this attachment is not sued out for the purpose of vexing or harassing the said G. F. Oglesby.

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this the 25 day of November, 1951.


Notary Public, Baldwin County,
State of Alabama.