

J. H. SEVERIN,

Plaintiff,

-vs-

AUGUST PEARSON,

Defendant.

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

Comes the Defendant in the above styled cause, and for demurrer to the Complaint filed in said cause, assigns the following grounds therefor, separately and severally, to each count thereof:-

FIRST:

That said Complaint does not state a cause of action.

SECOND:

That said Complaint fails to state wherein defendant was negligent in the operation of his said motor vehicle.

THIRD:

For that said Complaint fails to state definitely the place at which said transaction took place.

FOURTH:

For that said Complaint fails to state that the break in the leg of Jack C. Severin, a minor, was such that it would necessarily be permanently shorter than the other.

FIFTH:

For aught that appears from said Complaint the negligence of some other person may be the proximate cause of the broken leg of Jack C. Severin, a minor, being shorter than his other leg.

Hyatt, Head & Pearson
Attorneys for Defendant.

J. H. SEVERIN,

Plaintiff,

vs

AUGUST PEARSON,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA. AT LAW.

No. _____

Plaintiff claims of defendant Five Hundred and 00/100 (\$500.00) dollars for this: on to-wit; May 16th, 1931, defendant was operating a motor vehicle within or near the corporate limits of the Town of Robertsdale in Baldwin County, Alabama, along the Loxley-Foley Highway or Milwaukee Street, which is a public Highway in said County of Baldwin and when at or near the intersection of said highway and Brewton Street, he so negligently operated said vehicle that it ran upon or against plaintiff's son, Jack C. Severin, a minor, six years of age and as a proximate consequence of which the said minor's skull was fractured, his leg was broken, his finger dislocated or broken, he was bruised about the head, neck and body, his mouth was cut and his leg which was broken will probably be permanently shorter than the other and the said minor suffered great physical pain. Plaintiff alleges that the said minor's injuries were proximately caused by defendant's said negligence in operating said motor vehicle.

And plaintiff alleges that plaintiff is the father of said minor and as such it became and was his duty to devote his time, and expend money for medicines and doctors' bills, for and on account of said minor child in order to effect a cure of said minor, and plaintiff alleges that he did devote his time and spend money for medical bills, doctors' bills and other necessities and he himself suffered great mental anguish for and on account of the said injuries to his said minor child. All to plaintiff's ^{damages} ~~injuries~~ in the aforesaid sum of Five Hundred dollars, Hence this suit.

Plaintiff demands a jury trial.

F. F. Nelson
Attorney
ATTORNEYS FOR PLAINTIFF.

F. F. Nelson
Attorney
ATTORNEYS FOR PLAINTIFF.

Filed Jan 9th 1932
T. M. Riecken
Clerk

The State of Alabama, Baldwin County

CIRCUIT COURT

To Any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon August Pearson

to appear in the Circuit Court of Baldwin County, Alabama, at the place of holding the same and plead, answer, or demur, within thirty days from service hereof to the complaint of

J.H. Severin

Witness this 9th day of January, 1932

W. Pearson, Clerk.

IF THE DEFENDANT FAILS TO APPEAR AND PLEAD, ANSWER OR DEMUR WITHIN THIRTY DAYS AFTER SERVICE THE PLAINTIFF MAY TAKE JUDGMENT BY DEFAULT.

COMPLAINT

VS.

Plaintiff

Defendant

And the Plaintiff claim of the Defendant

Dollars, due

Original

No.

The State of Alabama

County

CIRCUIT COURT

J.H. Severin

Plaintiff

vs.

August Pearson,

Defendant

Summons and Complaint

Filed this 9th day of

January, 1932

B.F. Nelson & B.F. Mc Millan
Clerk.

B.F. Nelson &

B.F. Mc Millan,

Plaintiff's Attorney.

Received this 11th day

of Jan, 1932

W.R. Sturt, Sheriff.

Executed this 12th day

of January, 1932, by

leaving a copy of the within Summons and Complaint with

August Pearson
Defendant

W.R. Sturt
Sheriff.

The State of Alabama,

County

To the Sheriff of County:

Whereas, the Plaintiff..... in the within stated cause ha..... made affidavit and given bond as required by law, you are hereby required to take the property mentioned in the complaint into your possession, unless the Defendant..... give..... bond payable to the Plaintiff..... with sufficient surety in double the amount of the value of the property, with condition that if the Defendant

cost in the suit,..... within thirty days thereafter, deliver the property to the Plaintiff....., and pay all costs and damages which may accrue from the detention thereof.

....., Clerk.

J. H. SEVERIN,

Plaintiff,

-vs-

AUGUST PEARSON,

Defendant.

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

1st. The Defendant for plea to the Complaint pleads not guilty.

2nd. The Defendant for further plea to the Complaint says that the Plaintiff should not recover in this suit for in this: That the said Plaintiff was at the time of the accident residing on the Loxley-Foley Highway or Milwaukee Street in the Town of Robertsdale, Alabama, a highway frequently used by the public in automobiles and vehicles, and whose residence was within one hundred feet thereof, negligently permitted his said son, Jack C. Severin, a child of about six years of age, to go on said street or road by himself, which was then being used frequently by the public as aforesaid, and by doing so the Plaintiff proximately contributed to the injuries of his said son that are complained of in these proceedings.

3rd. The Defendant for further plea to the Complaint says that the Plaintiff should not recover in this Suit for in this: That on the day of the alleged accident the Plaintiff left his home in the Town of Robertsdale, Alabama, leaving his said son, Jack C. Severin in the custody of his wife at his home, which was within one hundred feet of the Loxley-Foley Highway or Milwaukee Street in the Town of Robertsdale, Alabama, a street or road that was then being used frequently by the public in automobiles, trucks and other vehicles, and Defendant alleges that the said custodian of the said Jack C. Severin, negligently permitted the said Jack, a minor of about six years of age, to go on and upon said highway or street, which was then and there being used as aforesaid by the public, thereby proximately contributing to the injuries of the said Jack C. Severin as complained of.

4th. The Defendant for further plea to the Complaint

(page two)

says that on the day of the accident Plaintiff left his said son, Jack C. Severin, in the custody of his mother at his home in the Town of Robertsdale, Alabama, which was then and there located on the Loxley-Foley Highway or Milwaukee Street, a road or street which was being used frequently by the public in automobiles, trucks and other vehicles, and Plaintiff alleges that the said custodian, viz, the mother of Jack C. Severin, a minor of about six years of age, negligently sent said Jack C. Severin upon or across said highway to where there was an ice truck then standing, for the purpose of notifying the ice man that she wanted some ice, and Plaintiff alleges that said negligence on the part of said custodian, or mother of said minor, proximately contributed to the injuries complained of in said Complaint.

John L. Lutz, Hendrickson
Attorneys for Defendant.

No. 9602

CIRCUIT COURT

Term, 1935

TO ANY SHERIFF

You are hereby commanded, That of the goods and chattels, lands and tenements of
J. H. Severin Plaintiff in the suit,
you cause to be made the sum of nine and 45/100 Dollars,
costs of suit, created by said Plaintiff, for that, whereas, on the 7 day of
April 1935, the said Plaintiff ~~recovered by the Judgment of the said Circuit Court~~
of said County, against ~~Dismissed for want of prosecution~~
Defendant

of said County, against August Pearson Defendant
to the suit, the sum of _____ Dollars,
besides Nine + 45/100 _____ Dollars, cost of suit;
upon which Judgment an Execution has been issued and returned by the Sheriff, "No Property Found."

AND HAVE YOU THAT MONEY ready to render to Robert L. Hurck
Clerk of said Court, and make return of this Writ and the execution thereof, according to law.

Witness my hand, this 19 day of April 1935
Robert S. Duck Clerk.

[illegible]

Copy
No. 9602 Page _____

THE STATE OF ALABAMA,
Baldwin County.
CIRCUIT COURT

J. H. Severin
Plaintiff..

vs

August Pearson
Defendant ..

**Civil Execution for Costs
Against Plaintiff.**

Costs, - - - - \$ 7.45

Civil Fee Book H Page _____

Execution Docket 4 Page _____

Filed April 19, 1935
Robert S. Duck, Clerk.

Plaintiff's Attorney.

Defendant's Attorney.

COLLECT COSTS FROM

The State of Alabama
BALDWIN COUNTY

I hereby certify that the within
and costs in this case are correct, and there was
..... waiver of exemption as to personal prop-
erty under the Constitution and Laws of
Alabama.

This day of 193..

Clerk

Received in office

..... 193.....

Sheriff

Sheriff's Execution Docket, Page

Sheriff's Fee Book, - - - Page

Sheriff.

THE STATE OF ALABAMA,
Baldwin County.

By virtue of the within Execution. I have at

o'clock M., this day of 193....., levied