

JOHN KLAAS,

Plaintiff

vs

WILLIAM H. WILSON,

Defendant.

189
L A W

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

DEPOSITION OF JOHN H. KLAAS, WITNESS FOR PLAINTIFF:

The said witness being by me first duly sworn to tell the truth testified in response to the attached Interrogatories as follows:

ONE: On the night of August 3rd or the early morning of August 4th, 1935 I was driving a car belonging to the Plaintiff in this case who is my father.

TWO: Yes, the car I was driving was injured and the injuries were the result of the collision.

THREE: The car so injured was a Dodge Sedan, Year Model 1932, Black finish and it belonged to the Plaintiff in this case, JOHN KLAAS.

FOUR: The collision occurred on the highway connecting Point Clear, Ala. with Zundels, Ala. commonly referred to as the "back road" by the residents of the eastern shore of Mobile Bay. The collision occurred about 250 yards east of Klumpp's Store, just past the front of the home of Mr. Taylor, a gardener on the Bush estate at Point Clear, Ala. Klumpp's Store is located about halfway between Point Clear Hotel in Point Clear, Ala. and Zundels Store at Zundels, Ala. on the road in question. The collision occurred in Baldwin County, Alabama.

FIVE: Yes, the injuries were caused by the collision and the driver of the car that ran into me was the Defendant in this case, WILLIAM H. WILSON. He was driving a Hupmobile roadster, Yellow finish, about a 1927 Year Model, when he ran into the car I was driving.

SIX: Yes, I did identify the driver as the Defendant, WILLIAM H. WILSON, in this case.

SEVEN: I was driving from Zundels towards Point Clear on the road connecting the two places either on the night of August 3rd, or the early morning of August 4th, 1935 at a speed of about 30 miles per hour, keeping to the right side of the road because of the dangerous turns in the road from time to time. However, on the straight stretch of road along by Klumpp's Store I saw the headlights of an approaching car and I moved even further to the right side of the road in order to give plenty of room for any size car or truck to pass. When the car was within (50) fifty feet of me it suddenly headed directly for the car I was driving. I blew the horn and cut the wheels of the car I was

driving sharply to the right at the same time applying the brakes. Luckily, at this point there was no ditch alongside the road so that the front wheels of the car I was driving were just rolling upon the grassy plot that serves as a lawn for a small house when the roadster driven by the Defendant, WILLIAM H. WILSON, hit the car I was driving on the left side just back of the front of the car on the left front fender. The impact of the collision stopped both cars and knocked the rear end of the car I was driving around so that the car was almost off the road onto the grassy plot that borders the road.

EIGHT: I tried to get out of the car immediately using the door on the left side, or driver's side, but it was damaged so badly that I was unable to open it. I got out of the right door of the car I was driving and walked around the front of it and came up to the driver's side of the roadster the Defendant, WILLIAM H. WILSON, was driving. There was two persons in the roadster, The Defendant, WILLIAM H. WILSON, and a colored woman. Both were badly frightened and when I asked the Defendant, WILLIAM H. WILSON, his name he didn't reply and tried to start his car. The motor of his car finally caught up and I asked him what he was doing. He still didn't answer and backed his car up and started up. I walked alongside for a couple of paces when he started forward down the road but when it became evident that he didn't intend to pull over to the side I hopped on the running board of his car. He tried to force my hands from his car and when he got one loose I reached in and turned off the ignition key and pulled the key from the lock and hopped off the running board. He put on brakes and the colored woman in the car opened the door on her side of the car, got out and ran. We were about (200) two hundred feet from the place of the collision by this time and I started back toward my car. The Defendant, WILLIAM H. WILSON, got out of his car and started running after me. I reached the car I had been driving and seeing a house by the road I went in the front gate and called to the occupants. The Defendant, WILLIAM H. WILSON, came up and tried to get the key to his car but at this time Mr. Taylor, resident of the house came out and I told him I thought I needed some help. In the presence of Mr. Taylor I asked the Defendant, WILLIAM H. WILSON, his name and address. He replied that his name was Henry Paul Jones and his address was in the (700) seven hundred block on Marine Street in Mobile, Alabama. I explained to Mr. Taylor exactly what had happened and right at this time Mr. Melvin Klumpp drove up. He stopped and inquired as to the trouble. I told him that a colored man named Henry Paul Jones had run into the car I was driving and that I thought I might need some help. He got out and immediately identified

the driver of the roadster as the Defendant, WILLIAM H. WILSON; and called to him by name. The Defendant, when confronted by Mr. Taylor and myself, then admitted that his name was William Wilson. I then, after explaining to Mr. Melvin Klumpp what had happened, had both Mr. Taylor and Mr. Klumpp witness the path of the tire tracks of the Defendant's car which clearly showed that he had come far over to his left hand side of the road and hit the car that I was driving. I also had them witness the position of the car I was driving, the track marks of the car which clearly showed that I had gone practically off the road and applied the brakes in an effort to avoid the collision. They are also witnesses to the fact that the Defendant's car was at least (200) two hundred feet down the road from the scene or place of the collision. Mr. Klumpp then advised me against leaving the car I was driving on the place of collision all night and suggested that we try to drive it up to his father's place of business, Klumpp's Store. I agreed and after some pulling on fenders off the tires we finally managed to get it to Klumpp's Store. He, Mr. Klumpp, then drove me to Fairhope and I reported the accident to Mr. Titus, the sheriff or deputy sheriff in that community. He advised me to swear out a warrant for the Defendant's arrest when the Justice of Peace's office opened in the morning.

NINE: As shown in my answer to Question Eight, Mr. Taylor was present during my conversation with the Defendant, WILLIAM H. WILSON, and Mr. Melvin Klumpp came on the scene immediately afterward and while the Defendant, WILLIAM H. WILSON, was there. Mr. Klumpp also made the identification of the Defendant as being WILLIAM H. WILSON and not Henry Paul Jones.

TEN: I, myself, suffered no hurts, either cuts or bruises from the collision, but the damage to the car I was driving was quite extensive and very bad. The left front fender was cut in half and smashed, the front wheels were knocked out of line, the two doors on the left hand side were stove in and cut, the glass windows in both doors was shattered, the running-board on the left hand side was demolished, and the rear left hand fender was badly crumpled. The hub caps of both axles on the left hand side were cut off and the door posts of the left hand side of the car were broken or smashed out of commission. Neither door on the left hand side of the car would open.

ELEVEN: Yes, the car I was driving was repaired by the Gulf Coast Auto Painting Co. located at the corner of St. Louis and St. Joseph Sts. Mobile, Ala. I do not recall the exact estimate of the cost of repairs but it was approximately about (\$80) eighty dollars. No, I do not have a copy of the expense bill but I

am sure the owner of the car, the Plaintiff, JOHN KLAAS, can furnish you with a copy.

TWELVE: The repairs necessitated by the accident were put on the car at the request of the Plaintiff, JOHN KLAAS, the owner of the car.

John H. Klaas

I, Carroll Propes, the commissioner named in the attached commission in the case of John Klaas vs William H. Wilson pending in the Circuit Court of Baldwin County, Alabama hereby certify that I caused the said John H. Klaas, witness for Plaintiff, to appear before me at my office in the City of Washington, D.C. on the 12th day of August, 1936 where he being first duly sworn testified as hereinbefore set forth; that his answers were by me reduced to writing, read over and signed by the said witness.

I further certify that I am not of counsel or of kin or anywise interested in the result of said cause.

Witness my hand as commissioner this the 12th day of August, 1936.

Carroll Propes
Commissioner.

The State of Alabama, {
Baldwin County.

That we, John Kless
are held and firmly bound unto William H. Wilson
in the sum of Ten Dollars,
for the payment of which, well and truly to be made, we bind ourselves and each of us, our and each of
our heirs, executors and administrators, jointly and severally. But upon condition, that if the above
bound John Kless shall prosecute to
effect an appeal by him taken this day to the next term of the Circuit Court of
Baldwin County from a judgment rendered against him in favor of said W. H. Wilson
by E. E. Perkins
a justice of the peace for said county, for the sum of Five
costs Dollars, ~~debt~~ in said appeal, shall pay such judgment, both as to
debt and costs as may be rendered against him by the said John Kless Court of
Baldwin County, then, in either of said events, this obligation to be void, otherwise to remain in full
force and effect.

Given under our hands and seals, this the 27 day of August 19 25

Approved:

E. E. Perkins J. P. John Kless (L. S.)
E. E. Perkins (L. S.)
E. E. Perkins (L. S.)

RECORDED

Recd

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No. 189

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THE STATE OF ALABAMA
BALDWIN COUNTY

APPEAL BOND

JUSTICE'S COURT OF

S. C. Perkins

John Klaas

PLAINTIFF

VS.

Wm H Wilson

DEFENDANT

Filed this 27 day of Aug 1935

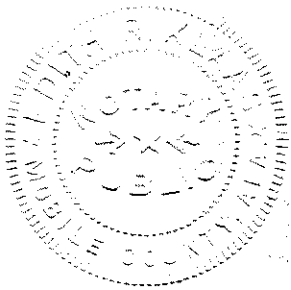
STATE OF ALABAMA

COUNTY OF MOBILE

Before me the undersigned Notary, personally appeared this day JOHN KLAAS who being duly sworn says that JOHN H. KLAAS is a material witness for Plaintiff in the case of John Klaas vs William H. Wilson, pending in the Circuit Court of Baldwin County, Alabama, and that said witness resides at Washington, D.C., more than one hundred miles from the place of trial so that it is necessary to take his testimony by deposition. Plaintiff further suggests the name of Carroll Propst residing in Washington, D. C., as a suitable person to act as commissioner in taking said testimony.

John Klaas

Subscribed and sworn to before me this the 23rd day of January, 1936.

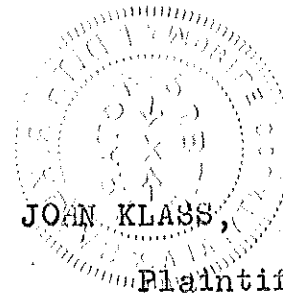


Edith R. Klaas
Notary Public, Mobile County, Alabama.

RECORDED

Deck

7-521



JOAN KLASS,

Plaintiff

vs

WILLIAM H. WILSON,

Defendant.

INTERROGATORIES

Filed July 2 1934
Robert S. Davis

Chief

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To CARROLL PROPERT^{ES}, 1301 Fairmont St., N. W., Washington, D. C.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine JOHN H. KIAAS, Washington, D. C. (1301 Fairmont St., N.W.)

as witnesses in behalf of JOHN KIAAS in a cause pending in our Circuit

Court of Baldwin County, of said State, wherein JOHN KIAAS is

Complainant

and WILLIAM H. WILSON is

Defendant,

on oath to be by you administered, upon oral examination

to take and certify the deposition... of the witness... and return the same to our Court, with all convenient speed, under your hand.

Witness 12th day of August 19 36

Robert L. Duck

COMMISSIONER'S FEE, \$ 5.00 (PAID)

REGISTER

WITNESS' FEES, \$ _____

NO. _____

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

John Klaas

vs. Complainant _____

William H. Wilson

Defendant _____

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Carroll Probst

WITNESSES:

John H. Klaas

JOHN KLAAS
Plaintiff

vs

WILLIAM H. WILSON
Defendant

L A W

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

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Interrogatories propounded by Plaintiff to John Klaas,
witness for Plaintiff.

ONE: On about the fourth day of August, 1935, were you driving a car belonging to Plaintiff in this case?

TWO: Was the car you were driving on that time injured and if so was the injury the result of the collision?

THREE: Please describe the car so injured and state to whom it belonged.

FOUR: Did the injury occur on a highway and if so what highway, and where? In what county did this take place?

FIVE: If you say that the injury was caused by a collision please state who was driving the car that ran into you and what kind of car it was.

SIX: Did you identify the driver as the Defendant in this case?

SEVEN: State in detail exactly how the accident occurred.

EIGHT: State what conversation you had with Wilson, and as near as you can recollect just what he said to you about the accident.

NINE: Please state who, if anyone, was present during your conversation with Wilson, and who came on the scene immediately afterward and while he was there.

TEN: What was the extent of the accident and in what respect was the car you were driving injured?

ELEVEN: Was this car repaired? If so, by whom and at what expense? If you have it attach a copy of the expense bill to your answer.

TWELVE: Were the repairs necessitated by the accident put on the car at your request or at that of Mr. John Klass, the owner of the car?

Clifford A. Rindley

Filed July 19 1936
Rakus & Deek
Chet

The State of Alabama {
Baldwin County

To Any Lawful Officer of Said County, Greetings:

Summon WILLIAM H. WILSON,
to appear before me on the 27th day of August 1935
next, at ~~three~~ one o'clock P. M. ~~rainbow~~ Baldwin County, Alabama,
to answer the Complaint of JOHN K. KASS
and then and there make a return of this summons..

Issued the 22nd day of August 1935.

E. E. Perkins
Justice of Peace

COMPLAINT

<u>JOHN KASS</u> Plaintiff	vs.	<u>WILLIAM H. WILSON,</u> Defendant
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The Plaintiff claims of the Defendant the sum of SEVENTY-SEVEN and 00/100 Dollars
~~damages for that defendant negligently ran into and damaged an~~
~~Dodge automobile the property of plaintiff on, to wit the fourth day of~~
~~August, 1935.~~

Elliot L. Riscally,
Attorney for Plaintiff.

Plaintiff's Attorney

Executed by personal service and notice of

Garnishment

William H. Wilson

this *24th* day of *Aug* 193*4*

Constable.

By _____ D. C.

No. *189* (COPY)

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7 *books*
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THE STATE OF ALABAMA,
Baldwin County.

In the Justice Court of

G. E. PERKINS,

Term, 193*4*

SUMMONS and COMPLAINT

JOHN KLASS,

Plaintiff

vs.

WILLIAM H. WILSON,

Defendants

The Defendant is hereby notified that Writ of
Garnishment has been served on _____

J. P.

Location Point Clear Hotel.

Moore Ptg. Co.

John Klaas, Plaintiff

vs.

William H. Wilson, Defendant

IN THE JUSTICE COURT OF

G. E. PERKINS

FAIRHOPE, ALABAMA

To William H. Wilson or Messrs. Beebe and Hall, his
attorneys of record in said Court:

You are hereby notified that the Plaintiff in the
above entitled cause has prayed and obtained an appeal from
the judgment therein rendered by G. E. Perkins a Justice of
the Peace in and for Baldwin County, Alabama, to the Circuit
Court of said Baldwin County.

Witness my hand this the 17th ^{Sept.} ~~thirty-seventh~~ day of ~~August~~,
1935.

G. E. Perkins
Justice of the Peace

*We accept service of the above
Notice of appeal this the
18th day of Sept 1935
Beebe & Hall
Atty for Defendant*

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RECORDED

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JOHN KLAAS

Ptff.

vs.

WILLIAM H. WILSON

Dft.

NOTICE OF APPEAL

Clerk-Register

19

Apr

Filed this

Filed this 18 day Sept 1935

Robert D. Quinn

Clerk-Register

The State of Alabama,

CIRCUIT COURT

County.

No. 142

Term, 1931

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED, That of the goods and chattels, lands and tenements of

Defendant,

you cause to be made the sum of

DOLLARS,

which

Plaintiff,

recovered of

on the day of

1931

by the Judgment of our Circuit Court held for the County of

besides the sum of

DOLLARS,

costs of suit, and have the same to render to the said

and make return of this Writ and the execution thereof, according to law.

Interest from

1931

to

1931

Witness, my hand this day of

1931

Clerk.

CLERK'S FEES	AMOUNT	SHERIFF'S FEES	AMOUNT
Issuing..... Summons and Complaint.....	\$1.25	Serving and Returning..... Summons.....	\$1.50
Issuing..... copies of same.....	.30	Serving and Returning..... Writs.....	1.30
Issuing..... Branch Summons and Complaint.....	1.25	Serving and Returning..... Subpoenas for Wit.....	.65
Issuing..... copies of same.....	.30	Levy..... Attachment.....	3.00
Entering..... Sheriff's Return or copy of above.....	.20	Entering and Returning..... Attachment.....	.25
Docketing Cause.....	.25	Summoning and Returning..... Garnishee.....	1.50
Entering..... Appearances.....	.20	Serving and Returning..... Sci. Fas..... Notices.....	1.50
Filing..... Pleas..... Demurrers.....	.10	Impaneling Jury.....	.75
..... Affidavits, Certified.....	.25	Collecting Cost, Execution.....	1.50
..... Commissions to take Depositions.....	.75	Taking and Approving..... Replevin Bonds.....	1.00
..... copies of Interrogatories.....		..... Claim Bonds.....	1.00
..... Notices of Filing Interrogatories.....	.50	..... Garnishment Bonds.....	.75
Filing..... Packages of Depositions.....	.10	..... Forthcoming Bonds.....	1.00
Inclosing..... Packages of Depositions.....	.10	..... Bail Bonds.....	1.00
..... Orders in Court.....	.30	..... Detinue Bond.....	1.00
..... Continuances.....	.10	Writ of Possession.....	5.00
Issuing..... Subpoenas for..... Witnesses.....	.30	Making Deed.....	5.00
Trial and Incidents.....	.75	Collecting Money on Execution.....	
Entering..... Judgment.....	.30	Writ of Restitution.....	2.00
Issuing..... Execution.....	.50	Sheriff's Commissions.....	
Entering..... Sheriff's Return of Execution.....	.20	Sheriff's Deed.....	
Issuing..... Certiorari..... Sci. Fas.....	.75	Seizing Personal Property in Detinue.....	3.00
Filing..... Certiorari, etc.....	.15	Former Sheriff's Fees.....	
Issuing..... Notices.....	.75	TOTAL SHERIFF'S FEES.....	
Issuing..... copies of same.....	.50	WAIVER..... NO WAIVER.....	
Taking..... Bonds.....	.75	RECAPITULATION.....	
Filing..... Bonds.....	.10	Judgment for..... for.....	
Issuing..... Attachment Writ..... and taking Bond.....	1.00	Interest from.....	
Filing..... Attachments.....	.10	Damages.....	
..... Summons of Garnishee.....	.50	Clerk's Fees.....	
Swearing and Ent..... Answer of Garnishee.....		Sheriff's Fees.....	
Complete Record, 15c per 100 words.....		Justice of Peace Fees.....	
Transcript to Supreme Court.....		Witness Fees in Justice of Peace Court.....	
Certificate of Appeal to Supreme Court.....	.75	Constable's Fees.....	
..... Notices of Appeal.....	.75	Commissioner's Fees.....	
..... Appeal Bond.....	.75	Commissioner's Residence.....	
Certificate of Judgment.....	.50	Printer's Fees.....	
..... Witness Certificates.....	.25	Garnishee's Fees.....	
TOTAL CLERK'S FEES.....		Witness Fees in Circuit Court.....	
		Former Clerk's Fees.....	
		Trial Tax.....	
		TOTAL FEES.....	

JOHN KLAAS,
Plaintiff

L A W
CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.

VS

WILLIAM H. WILSON,
Defendant.

DEPOSITION OF KLAAS,
WITNESS FOR PLAINTIFF.

Filed this 25th day of Aug 1936
Robert S. Duck
Clerk-Court

Mr. Robert S. Duck
Bay Minette, Alabama



Commissioner

Commissioner.

Commissioner