

CARL FIELDS,
Plaintiff,
VS.
LOUIS BERTOLLA, et al,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NO. 319.

PLEAS.

1. The Defendants, for answer to the Complaint, say that they are not guilty of the matters alleged therein.

2. The Defendants, for answer to the Complaint, say that at the time of the damage complained of the driver of the Plaintiff's automobile was himself guilty of negligence which proximately contributed to the damage to Plaintiff's automobile in this: He was operating Plaintiff's said automobile at a speed of more than twenty-five miles per hour in a residential district in the Town of Loxley, Baldwin County, Alabama, and thereby proximately contributed to the alleged damages.

3. The Defendants, for answer to the Complaint, say that at the time of the damage complained of the driver of the Plaintiff's automobile was himself guilty of negligence which proximately contributed to the damage to Plaintiff's automobile in this: While overtaking Defendants' motor vehicle proceeding in the same direction, did fail to pass at a safe distance to the left thereof and thereby proximately contributed to the alleged damages.

4. The Defendants, for answer to the Complaint, say that at the time of the damage complained of the driver of the Plaintiff's automobile was himself guilty of negligence which proximately contributed to the damage to Plaintiff's automobile in this: While driving and overtaking Defendants' motor vehicle not within a business district, did fail to give audible warning with his horn or other warning device before passing or attempting to pass Defendants' motor vehicle proceeding in the same direction and thereby proximately contributed to the alleged damages.

5. The Defendants, for answer to the Complaint, say that at the time of the damage complained of the driver of the Plaintiff's automobile was himself guilty of negligence which proximately contributed to the damage of Plaintiff's automobile in this: He did follow Defendants' motor vehicle more closely than was reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the highway and thereby proximately contributed to the alleged damages.

Lynn Chamberlain & Courtney
J. B. B. Ashburn
Attorneys for Defendants.

Duck
8-39

PLEAS.

CARL FIELDS,

Plaintiff,

VS.

LOUIS G. BERTOLLA, et al,

Defendants.

IN THE CIRCUIT COURT OF

BALLWIN COUNTY, ALABAMA.

AT LAW.

NO. 319.

Filed 7-17-51 / 1980
Dis. Dis. 1980
Chap

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

CARL FIELDS,

PLAINTIFF,

VS.

LOUIS BERTOLLA, JOHN BERTOLLA,
RUDOLPH BERTOLLA, ALEX BERTOLLA
and ANGELO BERTOLLA, individually
and as members of the co-partner-
ship of A. BERTOLLA & SONS,

DEFENDANTS.

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

Come the Defendants and each of them, separately and severally, and for answer to Plaintiff's complaint demurs thereto and as grounds for said demurrer sets up, separately and severally, the following:

1. There is no casual connection between the alleged negligence of Herman Powell and the Defendants or any of them.
2. Said complaint sets out no cause of action against the Defendants or any of them.
3. Said complaint is vague, indefinite and uncertain as to the operation of Plaintiff's automobile.
4. Said complaint does not set out where the alleged accident occurred.
5. Said complaint is vague, indefinite and uncertain as to where said accident occurred.
6. Said complaint is vague, indefinite and uncertain as to the alleged damages to Plaintiff's automobile, if any there were.
7. Said complaint sets out no cause of action for this Plaintiff.

Louis Chamberlain & Bertley
ATTORNEYS FOR THE DEFENDANTS

^{Quick}
RECORDED
7-589 Demurrers

Fields vs. Bertone

Filed November 19, 1936
R. S. Duck,
Clerk

Miss Bartlett, that
is about it.

In the Circuit Court of
Polk County, Iowa,
at force

2. The plaintiff claims of the defendant four thousand dollars in damages, for the torts heretofore, on to wit, June 4, 1906. The defendant acting by and through Herman Porrett, as a negligent and improper act, negligently, ^{and without warning} drove an automobile or truck from his right hand side of the automobile or into his left hand side of the road on, over and through the automobile of the plaintiff and directly stop the back, thereby causing plaintiff's car to collide with such automobile truck, and as a proximate result of said negligence the automobile of plaintiff was damaged as follows:

Canadian Indians had been in the heart
of said automobile elsewhere damaged, and the
The said negligence was

The said negligence occurred while said automobiles of plaintiffs and automobile trucks of defendants were being operated and crossing a road leading to the same place over which the public had the right to and have a right of a mile north of the Post Office at Lileys, and in Baldwin County, Alabama, all to the damage of the plaintiffs, hence this suit.

Beck Hall Beebe
Atty for Yarnuff

RECORDED
Duck
8-50.

We the jury find for the
Defendant.

Both parties at fault.

R. A. May Howard

Filed 4/14/37

Produce
Clerk

RECORDED
Such
8-50.

We the jury find for the
Defendant.
Both parties at fault.

A. A. May, Foreman

Filed 4/14/37

Resdner
Clerk

STATE OF ALABAMA,)

BAWDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon LOUIS BERTOLLA, JOHN BERTOLLA, RUDOLPH BERTOLLA, ALEX BERTOLLA and ANGELO BERTOLLA, individually and as members of the Co-partnership of A. BERTOLLA & SONS, to appear within thirty (30) 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 CARL FIELDS.

WITNESS my hand this the 2nd day of November, 1936.

R. S. Duck
Clerk.

CARL FIELDS,

Plaintiff,

VS.

LOUIS BERTOLLA, JOHN BERTOLLA, RUDOLPH BERTOLLA, ALEX BERTOLLA and ANGELO BERTOLLA, individually and as members of the Co-partnership of A. BERTOLLA & SONS,

Defendants.

IN THE CIRCUIT COURT OF

BAWDWIN COUNTY, ALABAMA,

AT LAW.

The Plaintiff claims of the Defendants FIVE HUNDRED (\$500.00) DOLLARS in damages, for that heretofore, on to-wit, June 4th, 1936, the Defendants, acting by and through Herman Powell, as Agent or employee acting within the line and scope of his employment, negligently ran an automobile or automobile truck into or against the automobile of the Plaintiff, which was being operated on and along a road leading North from Loxley, over which the public had the right and did travel, at a point approximately one-fourth of a mile North of the Post Office, and as a proximate result of said negligence, the automobile of the Plaintiff was damaged as follows:

Radiator; Fenders and Hood were bent and damaged; Carburetor; damaged, and the said automobile otherwise damaged,

all to the damage of the Plaintiff, hence this suit.

Beeler, Tace & Duke
Attorneys for Plaintiff.

Plaintiff demands a trial by Jury.

Beckwith & Beebe
Attorneys for Plaintiff.

RECORDED
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7-582
IONS AND COMPLAINT

CARL FIELDS,

Plaintiff,

VS.

LOUIS BERTOLLA, JOHN
BERTOLLA, RUDOLPH BERTOL-
LA, ALEX BERTOLLA, and
ANGELO BERTOLLA, individual-
ly and as members of the Co-
partnership of A. BERTOLLA
& SONS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed Nov. 2, 1936
R. L. Duck,
Clerk

Presented 11-13-1936
by serving copy of within Summons and
Complaint on

Louis Bertolla John
Bertolla Rudolf Bertolla
Alex Bertolla and
Angelo Bertolla
M. H. Wilkins Sheriff
C. N. Anderson Deputy Sheriff

Received in office
Nov. 3-1936

M. H. Wilkins
C. N. Anderson.

Carl Fields
Plaintiff
vs
Louis Bertolla
et als
Defendants

No. 319-
In the Circuit
Court of Baldwin
County, Alabama
At Law

Comes the defendants and each of them, separately and severally, and for answer to Plaintiffs amended complaint and to each count thereof separately & severally demurs thereto and as grounds of and for said demurres sets up separately and severally, the following:

1. There is no causal connection between the alleged negligence of Herman Powell and the defendants or any of them.
2. Said complaint sets out no cause of action against the defendants or any of them.
3. Said complaint is vague, indefinite and uncertain as to the operation of plaintiffs automobile.
4. Said complaint does not set out where the alleged

accident occurred.

5. Said complaint is vague indefinite and uncertain as to where the accident occurred.

6. Said complaint is vague, indefinite and uncertain as to the alleged damages to plaintiff's automobile, if any there were.

7. Said complaint sets out no cause of action for this plaintiff.

8. Said complaint does not allege that the driver of defendant's automobile failed to give notice of his intention to stop or turn by a signal with his horn.

9. Said complaint does not allege that the driver of defendant's automobile failed to give notice of his intention to stop or turn by a signal with his hand.

10. From aught that appears from plaintiff's complaint, plaintiff's automobile was not being operated at a safe distance behind the motor

vehicle of the defendant.

11. Said complaint does not allege that the driver of defendants automobile failed to give notice of his intention to stop or turn by a signal with his horn or hand.

Lyon & Chamberlain
& B Blackburn
Attorneys for the
Defendants

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8-50

End April 14 1937
Re Dec 01-
Chen

Fried vs Petal

Jury List, First Week, April 12, 1937.

- 1 Henry E. Peterson, Farmer, Gateswood
- 2 George W. Pittman, Farmer, Gateswood
- 3 ~~Chester Nelson, Farmer, Point Clear~~ 26
- 4 Willie Dana, Fisherman, Point Clear
- 5 ~~Charles E. Taylor, Farmer, Bay Minette~~ 21
- 6 ~~Americo Allegri, Farmer, Daphne~~ P1
- 7 ~~John Nelson, Oysterman, Bon Secour~~ 25
- 8 ~~Mac Aylin, Forester, Bay Minette~~ 27
- 9 ~~Robert E. Lawson, Produce, Bay Minette~~ 21
- 10 ~~Virgil O. McMillan, Naval Stores, Bay Minette~~ 28
- 11 ~~William Canaan, Merchant, Loxley~~
- 12 Roy Sandbrook, Contractor, Robertsedale
- 13 ~~Blaine G. Dickman, Salesman, Bay Minette~~ 25
- 14 ~~William Haupt, Farmer, Elberta~~ 23
- 15 Fred Seibert, Farmer, Elberta
- 16 ~~Eddie L. Hiles, Mechanic, Loxley~~
- 17 ~~John E. Lindberg, farmer, Summerdale~~ 22
- 18 ~~Wheeler M. Tunstall, Dairyman, Daphne~~ 26
- 19 ~~J. Bruce Beverage, Merchant, Bay Minette~~
- 20 ~~Frank Eubanks, Carpenter, Bay Minette~~
- 21 Frank T. Peterson, Farmer, Gateswood
- 22 ~~Durward Stapleton, Farmer, Loxley~~
- 23 George Edward Bryant, Farmer, Stockton
- 24 Paul McMillan, Mechanic, Stockton
- 25 Homer C. Russel, Clerk, Foley
- 26 Frank Propst, Cattleman, Bay Minette
- 27 ~~J. Matt Broadus, Painter, Bay Minette~~ 24
- 28 ~~John Miller, Oysterman, Bon Secour~~ 26
- 29 Adrian Ray, Mechanic, Bay Minette
- 30 George Yarbrough, Sr., Forester, Bay Minette
- 31 ~~John Lewis, Laborer, Robertsedale~~ 27

31
27
12

P8 / III
27 / III

9 9 8

Handwritten musical notation on a single staff. The notation includes various rhythmic values such as eighth, sixteenth, and thirty-second notes, as well as rests and accidentals (sharps, flats, and naturals). The handwriting is fluid and characteristic of 18th-century musical manuscripts.

A page of handwritten musical notation on a single staff. The notation is dense and includes various note values (quarter, eighth, sixteenth notes), rests, and dynamic markings such as 'p' (piano) and 'f' (forte). The handwriting is fluid and characteristic of 19th-century musical manuscripts. The page is numbered '1' in the top left corner.

6. The Court charges the Jury that if you are reasonably satisfied from the evidence that the driver of the Plaintiff's automobile, at the time of the alleged accident, was guilty of any negligence which was the proximate cause of the alleged accident, you must find for the Defendants.

Given
J. W. Hare
Judge

Given
J. W. Hare
Judge

A. I charge young gentlemen of the jury that the occurrence of an accident, of itself, does not establish liability against either party.

B. I charge you gentlemen of the jury that the burden of proof is on the plaintiff to reasonably satisfy you from the evidence in this case that the negligence of the defendants as set out in the complaint was the proximate cause of the injuries or damages which defendant sustained.

Given
J. W. Hare
Judge

10. I charge you, gentlemen of the Jury, that if you are reasonably satisfied from the evidence in this case that the driver of Defendants' motor vehicle in the operation thereof at the time of the accident complained of, acted as a reasonably prudent man would have acted under similar circumstances, then I charge you, as a matter of law, that the Defendants are not guilty of any negligence.

Given
J. W. Hare
Judge

*Refused
J.W. Hare, Judge*

7. The Court charges the Jury that before you can find for the Plaintiff in this case you must be reasonably satisfied from the evidence that the driver of the Defendants' truck was negligent at the time of the alleged accident and that this negligence was the proximate cause of the accident.

8. I charge you, gentlemen of the Jury, that if you are reasonably satisfied from the evidence in this case that the driver of Plaintiff's automobile was negligent in the operation of the same at the time of this accident and immediately before the accident, and that his negligence was the sole proximate cause of the injury, then you must find for the Defendants.

*Refused
J.W. Hare, Judge*

9. I charge you, gentlemen of the Jury, that proximate cause is a continuous succession of events without an intervening cause, so linked that they become a natural whole, unbroken by any new cause or undisturbed by any independent cause.

*Refused
J.W. Hare, Judge*

*Refused
J.W. Hare, Judge*

*Referred
to Judge
J. H. Hare*

2. The Court charges the Jury that if you are reasonably satisfied from the evidence that at the time of the damage complained of the driver of the Plaintiff's automobile was driving Plaintiff's automobile at a speed of more than twenty-five miles per hour in a residential district in the Town of Loxley, Baldwin County, Alabama, he was guilty of negligence which proximately contributed to the alleged damages and you must find for the Defendants.

*Referred
to Judge
J. H. Hare*

4. The Court charges the Jury that if you are reasonably satisfied from the evidence that at the time of the damage complained of the driver of the Plaintiff's automobile, while driving and overtaking Defendants' motor vehicle not within a business district, did fail to give audible warning with his horn or other warning device before passing or attempting to pass Defendants' motor vehicle proceeding in the same direction he was guilty of negligence which proximately contributed to the alleged damages and you must find for the Defendants.

*Referred
to Judge
J. H. Hare*

5. The Court charges the Jury that if you are reasonably satisfied from the evidence that at the time of the damage complained of the driver of the Plaintiff's automobile was following Defendants' motor vehicle more closely than was reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the highway, he was guilty of negligence which proximately contributed to the alleged damages and you must find for the Defendants.

*Referred
to Judge
J. H. Hare*

3. The Court charges the Jury that if you are reasonably satisfied from the evidence that at the time of the damage complained of the driver of the Plaintiff's automobile, while overtaking Defendants' motor vehicle proceeding in the same direction, did fail to pass at a safe distance to the left thereof, he was guilty of negligence which proximately contributed to the alleged damages and you must find for the Defendants.