

481

R. M. HAROLD,

Plaintiff,

-vs-

HENRY F. TIETGEN,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

AT LAW
J. H. HARRIS

Now comes the Plaintiff and files this his demurrer to
plea number Two and for grounds says:

1. That said plea is no answer to the complaint.
2. That the matters set forth in said plea are but
conclusions of the pleader.
3. That to operate an automobile upon a highway at
seventy miles per hour is not unlawful.
4. That the averment that the operation of the auto-
mobile at a speed of about seventy miles per hour was unlawful
is but a conclusion of the pleader.
5. That the operation of said automobile at a speed
of about seventy miles per hour did not within itself constitute
excessive and unlawful speed.
6. That from the matters set forth in said plea it is
not shown that the operation of the automobile at seventy miles
per hour by the plaintiff was excessive and unlawful.

Hyatt H. Hason
Attorneys for Plaintiff

[Handwritten signature]

For each of the following are necessary and sufficient:

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RECORDED

Demerit

Filed March 3, 1939
R.S. Duck, Clerk
By: Justice Thompson, Deputy

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[Handwritten initials]

R. M. HAROLD,
Plaintiff,

vs.

HENRY F. TIETGEN,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

PLEAS OF DEFENDANT
451


1. Comes now the above named Defendant and for answer to the Complaint, and to each and every Count thereof, separately and severally, says that he is not guilty of the matters therein alleged.

2. For further answer to the Complaint and to each and every Count thereof, separately and severally, the Defendant says, that the loss and damage of the Plaintiff was wholly due to and was proximately caused by the carelessness and negligence of the Plaintiff in this, that said Plaintiff was driving his automobile at the place mentioned in the Complaint at a rate of speed so fast, excessive and unlawful, to-wit: The speed of about 70 miles per hour, that the Plaintiff did not have control of his said automobile and when the Defendant drove his automobile upon the paved highway, as he had a right to do, the Plaintiff, notwithstanding that at no time was the automobile of the Defendant upon that part of the highway on which Plaintiff was travelling and, notwithstanding that at no time was the automobile of the Defendant to the West of the center line of said paved highway, the Plaintiff attempted to turn his automobile to the right to afford more room between the automobiles of the Plaintiff and Defendant and in so doing ran the right wheels of his automobile off from the pavement and on to the shoulder of the highway. Defendant avers, however, that at this point the shoulder of said highway was flat and level with the pavement and was hard and dry and afforded a road bed on which any car, driven at a reasonable rate of speed, could travel without difficulty. Plaintiff further avers that only the right hand wheels of Plaintiff's automobile

left the pavement at this point but, in attempting to steer his automobile back on to the pavement and because of the lack of control of Plaintiff over his automobile due to the excessive speed at which Plaintiff was driving, Plaintiff steered his said automobile diagonally across the road and into the ditch on the left hand side of said road and across said ditch and through the fence and off into the field upon the ^{East} North or left hand side of said road where said automobile of the Plaintiff turned over and burned.

Defendant avers there was ample room upon said highway between his car and that of the Plaintiff for Plaintiff to pass him without turning at all from a direct line and that said accident and Plaintiff's loss and damage was due entirely to the excessive speed of Plaintiff's car and lack of control of Plaintiff over said car.

WHEREFORE, having fully answered, Defendant prays that he may go hence without day and have judgment for his costs herein expended.


Attorney for Plaintiff

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

R. M. HAROLD,

Plaintiff,

vs.

HENRY F. TIETGEN,

Defendant.

PLEAS OF DEFENDANT

Filed November 26, 1938
R. B. DUCK
clerk, - registered

By *Lloyd A. Magney*
Deputy

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

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

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:-

You are hereby commanded to summon H. J. Tietgen 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 R. M. Harold.

Witness my hand this 2 day of November, 1938.

R. S. Duck

Clerk.

By - Sandline Thompson

Deputy

COMPLAINT.

R. M. HAROLD,
Plaintiff,
-vs-
H. J. TIETGEN,
Defendant.)
IN THE CIRCUIT COURT--LAW SIDE
STATE OF ALABAMA
BALDWIN COUNTY.

COUNT 1: The Plaintiff claims of the Defendant the sum of Twenty-five Hundred Dollars (\$2500.00) as damages, for in this:- That on, to-wit, October 4th, 1938, the Plaintiff was operating and driving an automobile on a public road or a public highway leading from Robertsedale, Alabama, to Foley, Alabama, and at a point about two miles south of Robertsedale, which said public road or highway was used and traveled by the public, and over which the Plaintiff and the public had a right to travel, and Plaintiff further avers that at said time and place he was driving his automobile along said public road or public highway on his right hand side of the center of the road, and that the said Defendant at said time and place negligently drove an ^{Automobile} ~~auto truck~~ which he was then and there driving over on the side of the road that Plaintiff was traveling on, and practically across it immediately in front of Plaintiff's automobile which he was then and there driving, and that by reason of said negligence that Plaintiff was forced to drive his said automobile from said highway, causing

(page two)

his automobile to be turned over and set afire, and Plaintiff further avers that as a proximate cause of said negligence of said Defendant that he was injured in this:- That his body, face, hands, arms and legs were lacerated and bruised; that he was made sick and sore; that he was caused to suffer great bodily and mental pain; that he was rendered unable to work for a period of, to-wit, ten days; that in addition thereto he was forced to employ physicians to treat his said injuries, and has incurred expenses by way of procuring the necessary drugs and incidentals in and about the treatment of his said bodily injuries incurred as aforementioned.

COUNT 2: The Plaintiff claims of the Defendant the sum of One Thousand Dollars (\$1,000.00) as damages, for in this:- That on, to-wit, October 4th, 1938, the Plaintiff was operating and driving an automobile on a public road or a public highway leading from Robertsdale, Alabama, to Foley, Alabama, and at a point about two miles south of Robertsdale, which said public road or highway was used and traveled by the public, and over which the Plaintiff and the public had a right to travel, and Plaintiff further avers that at said time and place he was driving his automobile along said public road or public highway on his right hand side of the center of the road, and that the said Defendant at said time and place negligently drove an ^{automobile} ~~auto-truck~~ which he was then and there driving over on the side of the road that Plaintiff was traveling on, and practically across it, immediately in front of Plaintiff's automobile which he was then and there driving, and that by reason of said negligence that Plaintiff was forced to drive his said automobile from said highway, causing his automobile to be turned over and set afire, and Plaintiff further avers that as a proximate cause of said negligence of said Defendant his said automobile was caused to be set on fire, practically destroying the same; that said fire from said automobile destroyed or consumed a radio, eye glasses, eye glasses' shades, money of the value of Ten Dollars (\$10.00) and one hat.

(page two)

Hubert S. Pearson
Attorneys for Plaintiff.

(page three)

Plaintiff demands a trial of
this cause by Jury.

Herbert A. Rosen
Attorneys for Plaintiff.

SUMMONS & COMPLAINT.

Executed 11-5 1933
by serving copy of within Summons &
Complaint on

H. J. Tietgen

By *M. H. Williams* She
John P. Davis Deputy She

*We the jury
find for the plaintiff
damages to the extent
of \$250.00*

F. W. Foreman
Foreman

R. M. HAROLD,
Plaintiff,

-VS-
H. J. TIETGEN,
Defendant.

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

Filed November 2, 1933

N. S. Davis
By: *N. S. Davis* Attorney Clerk.
LAW OFFICES Deputy
HYBART & CHASON
BAY MINETTE, ALABAMA

Baldwin

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. *481*

CIRCUIT COURT

Spring Term, 193*9*

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon *A. P. Pruitt & Proctor Bradley*

if to be found in your County, at the instance of the *plaintiffs*

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by *8:30* o'clock of the forenoon, on the *11* day of *April* 193*9*

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein *R. A. Harold* Plaintiff

and *H. J. Tuttle* Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this *29* day of *March* 193*9*

R. S. DUCK

clerk, & register

Clerk.

By *Walter Lee Thompson*
Deputy

W. R. Stuart
Sheriff.

By Mrs. Alice M. M. Clerk. Clerk.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. 481

CIRCUIT COURT

Spring Term, 1939

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon (B. B. Wilson (Silverhill))

(Joe Patneil - John Horn (Robertsdale))
Walter Liesen & Losley

if to be found in your County, at the instance of the Defendant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 11th day of March April 1939

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein R. M. Harold Plaintiff

and J. H. J. Zeitgen Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 18th day of March 1939

R. S. DUCK

clerk, & register

Clerk.

By Maudie Thompson Deputy

Received in office this 18th day of

March

1939

W.R. Stuart

Sheriff.

I have executed this writ

Joe Potmeil - 3-25

John. Hons - 3-25

B.B. Wilson 3-25

Walter Dyess 3-25

Prater Bradley 3-31

W.R. Stuart

Sheriff.

B. J. Guerra

ORIGINAL

No. 481

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

R. M. Harold

Plaintiff

VS.

H. J. Zeitgen

Defendant

CIVIL SUBPOENA

Issued this 18th day of

March

1939

R. S. DUCK

clerk - registrar

By: Dan Alice Thompson

Deputy

Montgomery
CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena,
or within five days after adjournment of Court, else he will be barred. Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA }
BALDWIN COUNTY }

S.D. Page No.

CIRCUIT COURT

Case No. *481*

Spring Term, 193*9*

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon *H. J. Thomas* on *1515 S. Hull*
St., Montgomery, Ala.

if to be found in your County, at the instance of the *plaintiff*
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,
by *8:30* o'clock of the forenoon, on the *11* day of *April* 193*9*
and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to
say, in a certain cause pending, wherein *R. M. Harold* Plaintiff
and *H. J. Lutzgen* Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this *27* day of *March* 193*9*.

R. S. DUCK

clerk, - register

Clerk.

By *Spaulding Thompson*
Deputy

