

EVERETT E. BRILL,

Plaintiff,

-vs-

GERARD DADE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE

The plaintiff, Everett E. Brill, claims of the defendant, Gerard Dade, the sum of, to-wit, One Hundred Seventy-five Dollars (\$175.00) for that on, to-wit, May 14, 1940, the defendant, acting by and through his servant, agent, or employee who was then and there acting in the line and scope of his employment, so negligently operated an automobile truck on and along the Bay Bridge Road, a public highway in the County of Baldwin, State of Alabama, that said automobile ran into and collided with a Ford Roadster Automobile, the property of the plaintiff, which was then and there being operated by one Mathew S. Brill, the brother of the plaintiff, on and along the said Bay Bridge Road, and, as a proximate consequence of such negligence, the said Ford Roadster automobile of the plaintiff, was greatly broken, bent, and damaged, all to the damage of the plaintiff in the aforesaid sum, wherefore plaintiff sues.

COUNT TWO

The plaintiff, Everett E. Brill, claims of the defendant, Gerard Dade, the sum of, to-wit, One Hundred Seventy Five Dollars (\$175.00), for that on, to-wit, May 14, 1940, the servant, agent, or employee of the defendant, acting within the line and scope of his employment, while operating an automobile truck on and along the Bay Bridge Road, a public highway in the County of Baldwin, State of Alabama, ~~and so wilfully and wantonly operate said automobile truck that same ran into~~ and against a Ford Roadster automobile, the property of the plaintiff, then and there being driven by one Mathew S. Brill, the brother of the plaintiff, on and along the said Bay Bridge Road, and as a proximate consequence thereof the said Ford Roadster automobile of the plaintiff was greatly broken, bent, and damaged, all to the damage of the plaintiff in the aforesaid sum, wherefore plaintiff sues.

W. M. M. & S. M.
Attorneys for the Plaintiff

Plaintiff demands trial by jury.
Defendants' address:
Point Clear, Alabama.

W. M. M. & S. M.
Attorneys for the Plaintiff

Received in Sheriff's office
this 10th day of June, 1940
W. H. Stuart Sheriff

Executed James G. Phillips 1944
by serving copy of within Summons and
Complaint on

General Dodge

By Joseph P. [Signature] Deputy Sheriff

EVERETT E. BRILL,
Plaintiff,

Vs.

GERARD DADE,
Defendant.

SUMMONS AND COMPLAINT.

Filed June 8, 1940
R. S. Dush, Clerk

1
 2
 3
 4
 5
 6
 7
 8
 9
 10

[illegible]

10

pitches on casement

2.4 Miles to Jessor River Bridge

○ ○ ○ 90 31 ○ ○ ○

Center Line

NO1

NO2

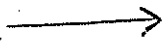
300 ft

NO2

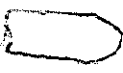
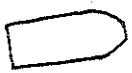


65 ft

To. mobile



NO1



Piling on causeway

2.4 Miles to Tensas River Bridge →

○ ○ ○ ○ U ○ S ○ 90 ○ R ○ 31 ○ ○ ○ ○ ○ ○ ○

Center Line

NO 1

NO 2

300 ft

NO 2



65 ft

To mobile →

NO 1



The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 591

CIRCUIT COURT

Fall

Term, 193⁴⁰

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON H. O. Williams, Joe B. Graham

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 11th day of September 193⁴⁰, 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 Everett E. Brill Plaintiff

and Gerald Dade Defendant.

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

Given under my hand and seal, this 9th day of September, 1940, 193⁴⁰

R. S. Duck

CLERK.

Received in office this 9th day of

Sept- 1940

W.R. Stuart
SHERIFF

I have executed this writ

9/10/40

Jas B. Graham
H. O. Williams

W.R. Stuart
SHERIFF

By M.B. Hamilton

ORIGINAL

No. 591

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Everett E. Brill

Plaintiff

VS.

Gerald Dade

Defendant

CIVIL SUBPOENA

Issued this _____ day of

193

Clerk.

EVERETT E. BRILL,
Plaintiff,
VS.
GIRARD DADE,
Defendant.

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

And now comes the Defendant and for answer to the Plaintiff's complaint and to each count thereof, separately and severally, says:

1. That he pleads the general issue.
2. The ~~driver of the Plaintiff's car~~ ^{the plaintiff acting through his agent} was guilty of contributory negligence, which proximately caused the damages complained of, in that ~~he~~ ^{he} was at the time and place of the accident, at 9:30 o'clock at night, operating the Plaintiff's automobile with only one head lamp or light burning.
3. That the driver of the Plaintiff's automobile, at the time and place of the accident, was guilty of contributory negligence, which proximately contributed to the injuries complained of, in that he was operating said automobile on the left or wrong side of the highway.
4. That the driver of the Plaintiff's automobile was guilty of contributory negligence, in that at the time and place of the alleged accident, the Plaintiff's car was proceeding West and the Defendant's car was proceeding East and the Plaintiff's car was being driven along the South or left or wrong side of said highway.
5. The Defendant for further answer to the Plaintiff's complaint says, that at the time of the filing of suit in this cause, the Plaintiff was indebted to the Defendant in the sum of Two Hundred (\$200.00) Dollars, for that at the said time and place alleged in the complaint, the Plaintiff, acting by and through his agent or employee, who was then and there acting within the line and scope of his employment, negligently ran or drove the Plaintiff's automobile into or against the Defendant's automobile and as a proximate result thereof, the Defendant's car was injured as follows: Tire punctured, front springs broken, fender bent, and the car otherwise injured, and that the Defendant's car was used for commercial purposes and that as a result of

said accident he was deprived of the use of his car for a period of a week or more.

all to the damage of the defendant aforesaid in the sum of \$200.00 which sum the defendant offers to set off against the damages of the plaintiff and the
forays judgment on the record
BEEBE & HALL,
By: *[Signature]*
Attorneys for Defendant.

ANSWER:

EVERETT E. BRILL,

Plaintiff,

VS.

GIRARD DADE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed, Aug 22, 1945
J. H. Smith
Clerk

EVERETT BILL,

Plaintiff,

-vs-

GERARD DADE,

Defendant.

IN THE CIRCUIT COURT OF
BALTIMOR COUNTY, ALABAMA.

Comes now the plaintiff in the above styled cause
and for reply to the pleas heretofore filed in said cause,
and to each of said pleas, separately and severally, sets
down and assigns the following replication, to-wit:

1. The plaintiff joins issue on said plea.

Attorneys

J. B. Bledsoe
Attorneys for Plaintiff

EVERETT E. BRILL,

Plaintiff,

VS.

GERARD DADE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT-LAW.

And now comes the Defendant and demurs to the Plaintiff's complaint in this cause, and to each count thereof, separately and severally, and for ground of such demurrers, says:

1. That said count does not state a cause of action.
2. That said count sets out no negligence on behalf of the Defendant, his servant, agent or employee.
3. That said count does not show with sufficient certainty the location of said alleged accident.
4. That said count does not allege with sufficient certainty or definiteness the damages to the Plaintiff's automobile.
5. That said count does not allege that the injuries complained of were the result of the negligence on the part of the Defendant, his servant, agent or employee.
6. That said count charges the act rather than the injury as being willful.

BEEBE & HALL,

By: Shirley
Attorneys for Defendant.

591

DEMURRERS:

EVERETT E. BRILL,

Plaintiff,

VS.

GERARD DADE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed July 12, 1948
Respectfully
Clark

EVERETT E. BRILL,
Plaintiff,

VS.

GIRARD DADE,
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

And now comes the Defendant, and for answer to the Plaintiff's complaint, and to each count thereof, separately and severally, says:

1. That he pleads the general issue.

2. The Plaintiff was guilty of contributory negligence, which proximately caused the damages complained of, in that the Plaintiff, acting by and through his agent, servant or employee, who was then and there acting within the line and scope of his employment, was at the time and place of the accident, at 9:30 o'clock at night, operating the Plaintiff's automobile with only one head lamp or light burning.

3. That the Plaintiff, at the time and place of the accident, was guilty of contributory negligence, which proximately contributed to the injuries complained of, in that the Plaintiff, acting by and through his agent, servant, or employee, who was then and there acting within the line and scope of his employment, was operating said automobile on the left or wrong side of the highway.

3. That the Plaintiff was guilty of contributory negligence, in that at the time and place of the alleged accident, the Plaintiff, acting by and through his agent, servant or employee, who was then and there acting within the line and scope of his employment, was proceeding West and the Defendant's car was proceeding East, and the Plaintiff's car was being driven along the South or left, or wrong side of said highway.

5. The Defendant for further answer to the Plaintiff's complaint says:
That at the time of the filing of suit in this cause, the Plaintiff was indebted to the Defendant in the sum of \$200.00, for that at the said time and place alleged in the complaint, the Plaintiff, acting by and through his agent or employee, who was then and there acting within the line and scope of his employment, negligently ran or drove the Plaintiff's automobile into or against the Defendant's automobile and as a proximate result thereof, the Defendant's car was injured as follows: Tire punctured, front springs broken, fender bent, and the car otherwise injured, and that the Defendant's car was used for commercial purposes and that as a result of said accident he was deprived of the use of his car for a period of a week or more, all to the damage of

the Defendant aforesaid, in the sum of Two Hundred (\$200.00) Dollars, which sum the Defendant offers to set off against the damage of the Plaintiff and he prays judgment for the excess.

BEEBE & HALL,

By: Attorney
Attorneys for Defendant.

ANSWER:

EVERETT BRILL,

Plaintiff,

VS.

GIRARD DADE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

*Filed Sept. 6, 1940
R. S. Dancy, Clerk*

The State of Alabama,
Baldwin County

S. D. Page No. _____
Case No. 591

CIRCUIT COURT
Fall Term, 19340

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON MATHEW S. BRILL, 203 Lambert Ave-Toulminville-

(business address) C/o United Auto Wrecking Co.-Craft Highway; Joe Moody-

Route 1-Box 48(business address) C/o Convent of Visitation; E. H. Dykes

C/o Dykes Bros. Garage-Mobile;

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 11th day of September 19340, 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 Everett Brill Plaintiff

and Gerald Dade Defendant.

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

Given under my hand and seal, this 9th day of September, 1940, 19340

R. S. Dush

CLERK.

Received in office this 10 day of

September 1940
W. H. Halcombe
SHERIFF

I have executed this writ

by serving a copy on
E. H. Oykes and by
leaving a copy at the
residence of Mathew
S. Brill and Joe Moody
on September 10, 1940

W. H. Halcombe
By Mose Bernstein - D. S.
Albie Lantigue - D. S.
A. Farmer - D. S.
SHERIFF

ORIGINAL

No. 591

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Everett E. Brill

Plaintiff

VS.

Gerald Dade

Defendant

CIVIL SUBPOENA

Issued this _____ day of

193

Clerk.

W. Lant
1 Ben

The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 591

CIRCUIT COURT

Fall

Term, 19340

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Charles Dade, Birshel Booth, Leo Glover,

Bryant Bishop

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 September 19340, 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 Everett E. Brill Plaintiff

and Gerald Dade Defendant.

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

Given under my hand and seal, this 31st day of August, 19340

R. S. Duck

CLERK.

Received in Sheriff's Office
this 3rd day of *Aug*, 1940
W. R. STUART, Sheriff

Received in office this _____ day of _____
_____ 193_____

SHERIFF

I have executed this writ

*This 3rd day of sept
1940 by serving a copy
of within summons
on Charles Dade
Berthel Booth
Leo Glover and
Bryant Bishop*

SHERIFF

*W. R. Stuart
By (B. L.) *Lucena**

ORIGINAL

No. 591

Page _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Evertt Brill.

Plaintiff

VS.

Dade

Defendant

CIVIL SUBPOENA

Issued this _____ day of _____

193_____

Clerk.

CIRCUIT COURT. (LAW)

September Term, 1940

General Dade, Dependable

BILL OF COSTS

[illegible]

Everett & Bill,
Plaintiff,

vs.

In the Circuit Court of
Haldane County, Nebraska,

Gerard Rade,
Defendant

at Law

Comes the plaintiff in the above styled cause and
demurs to pleas 2, 3 and 4, heretofore filed in said cause,
separately and severally, upon the following separate
and several grounds, to-wit:

1. For that it affirmatively appears that the driver
of the plaintiff's car was not the plaintiff, and
said plea alleges no sufficient facts to show
that such driver was plaintiff's servant, agent or
employee.

2. Because negligence of the driver of plaintiff's
automobile constitutes no defense to plaintiff's
cause of action, and there is no allegation in said
plea of agency.

3. Because contributory negligence, if any, of a third
person, cannot constitute a defense to plaintiff's cause of action.

And plaintiff further demurs to plea 5, here-
tofore filed in said cause, upon the following
separate and several grounds, to-wit:

1. Because said plea is not a proper plea in
set-off, recoupment or counterclaim.

2. Because the set-off ^{or recoupment} ought to be made in
said cause.

3. Because there is no offer in said plea to
set off defendant's alleged claim against the claim
of the plaintiff.

4. Because said plea is insufficient as a plea
of set-off, recoupment or counterclaim.

Hamilton & Foreman
Attorneys for Plaintiff

July 22 1940
J. S. Welch
Chut
Replied July 22 1940
J. S. Welch
Chut

The State of Alabama,

CIRCUIT COURT

No. 591

Baldwin County.

November Term, 1940

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

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

you cause to be made the sum of Thirty 7/10 / 100 (\$30.00) DOLLARS, Defendant Gerald Dade,
 which Everett E. Bull Plaintiff,
 recovered of Gerald Dade

on the 12 day of September, 1940, by the Judgment of our Circuit Court held for the County of
Baldwin, 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 _____, 19____, to _____, 19____

Witness, my hand this 26 day of November, 1940.
R. S. Dade Clerk.

CLERK'S FEES		AMOUNT	SHERIFF'S FEES		AMOUNT			
Issuing.....	Summons and Complaint.....	\$1.25	1 25	Serving and Returning.....	Summons.....	\$1.50	1 50	
Issuing.....	copies of same.....	.30	30	Serving and Returning.....	Writs.....	1.30		
Issuing.....	Branch Summons and Complaint.....	1.25		Serving and Returning.....	10 Subpoenas for ... Wit.....	.65	6 50	
Issuing.....	copies of same.....	.30		Levying.....	Attachment.....	3.00		
Entering.....	Sheriff's Return or copy of above.....	.20	20	Entering and Returning.....	Attachment.....	.25		
Docketing Cause.....		.25	25	Summoning and Returning.....	Garnishee.....	1.50		
Entering.....	Appearances.....	.20		Serving and Returning.....	Sci. Fas.....	Notices.....	1.50	
Filing.....	4 Pleas.....	Demurrers.....	.10	40	Impaneling Jury.....		.75	75
	Affidavits, Certified.....	.25		Collecting Cost, Execution.....		1.50	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	10	Writ of Possession.....		5.00		
Issuing.....	10 Subpoenas for.....	Witnesses.....	.30	3 00	Making Deed.....		5.00	
Trial and Incidents.....		.75	75	Collecting Money on Execution.....				
Entering.....	Judgment.....	.30	30	Writ of Restitution.....		2.00		
Issuing.....	Execution.....	.50	50	Sheriff's Commissions.....				
Entering.....	Sheriff's Return of Execution.....	.20	20	Sheriff's Deed.....				
Issuing.....	Certiorari.....	Sci. Fas.....	.75	Seizing Personal Property in Detinue.....		3.00		
Filing.....	Certiorari, etc.....	.15						
Issuing.....	Notices.....	.75		Former Sheriff's Fees.....				
Issuing.....	copies of same.....	.50		TOTAL SHERIFF'S FEES.....		10 25		
Taking.....	Bonds.....	.75		WAIVER.....	NO WAIVER.....			
Filing.....	Bonds.....	.10		RECAPITULATION.....				
Issuing.....	Attachment Writ.....	and taking Bond.....	1.00	Judgment for.....	plaintiff.....	for.....	30 00	
Filing.....	Attachments.....	.10		Interest from.....				
	Summons of Garnishee.....	.50		Damages.....				
Swearing and Ent.....	Answer of Garnishee.....			Clerk's Fees.....			11 90	
Complete Record, 15c per 100 words.....			3 50	Sheriff's Fees.....			10 25	
Transcript to Supreme Court.....				Justice of Peace Fees.....				
Certificate of Appeal to Supreme Court.....		.75		Witness Fees in Justice of Peace Court.....				
Notices of Appeal.....		.75		Constable's Fees.....				
Appeal Bond.....		.75		Commissioner's Fees.....			5 00	
Certificate of Judgment.....		.50		Commissioner's Residence.....				
5 Witness Certificates.....		.25	1 25	Printer's Fees.....				
				Garnishee's Fees.....				
				Witness Fees in Circuit Court.....			34 30	
				Former Clerk's Fees.....				
				Trial Tax.....			3 00	
TOTAL CLERK'S FEES.....			11 90	TOTAL FEES.....			94 45	

The State of Alabama,
Baldwin COUNTY.

CIRCUIT COURT.

Ernest E. Brill

Plaintiff

VS.

Dwight Dade

Defendant

CIVIL EXECUTION FOR COSTS
AGAINST DEFENDANT

Judgment for plaintiff for \$ 30.00

Interest from _____, 19____,

to _____, 19____, \$ _____

Damages \$ _____

Costs \$ 64.45

Total \$ 94.45

Civil Fee Book Concl Page 591

Execution Docket 11 Page 1

Filed November 26, 1940

R. S. Duck

Clerk

Hamilton & Foreman

Plaintiff's Attorney

Pike & Hall

Defendant's Attorney

Received in Sheriff's Office

this 26 day of November, 1940

W. R. STUART, Sheriff

COLLECT COSTS FROM
DEFENDANT

The State of Alabama,
_____ COUNTY.

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

This _____ day

of _____, 19____

Clerk.

Received in Office

November 26, 1940

W. R. Stuart

Sheriff.

Sheriff's Execution Docket, page _____

Sheriff's Fee Book, page _____

The State of Alabama, }
_____ COUNTY.

By virtue of the within Execution, I have, ~~for~~ collected this 6th day of February, 1941, ~~collected~~ the within Judgment of (\$50.00) Thirty dollars, plus (\$64.45) Sixty four dollars and forty five cents cost, plus my commission (\$1.50) One dollar and fifty cents, plus (\$45.40) interest, making a total of (\$96.40) Ninety six dollars and forty cents collected. On the same day February 6th, 1941 I turned over to R. S. Duck, Clerk of the Circuit Court the above amount (\$96.40) Ninety six dollars and forty cents.

W. R. Stuart, Sheriff

By M. B. Hamilton

Deputy Sheriff

Sheriff

PLAINTIFF'S WITNESSES

AMOUNT

DEFENDANT'S WITNESSES

TOTAL

THE STATE OF ALABAMA,
Baldwin County.

No. 591

CIRCUIT COURT

193

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon GERARD DADE

to appear and plead, answer or demur, within thirty day from the service hereof, to the Complaint filed in
the Circuit Court of Baldwin County, State of Alabama at Bay Minette, Ala., against

GERARD DADE Defendant by EVERETT E. BRILL

Plaintiff

Witness my hand this 8th day of June 1940

Clerk.

COMPLAINT

Plaintiff versus

The Plaintiff claims of the Defendant

Dollars, due by

We the jury find for the plaintiff and
assess his damages at
sum of \$30.00

D. C. Byrne

Plaintiff's Attorney.

3. The Court charges the jury that, if you believe the evidence in this case, you cannot find for the defendant under its plea of set off or counterclaim.

Refused (Carried)
J.M. Ware
Judge

1. The Court charges the jury that, if you believe the evidence in this case, you should find for the plaintiff.

Refused
J.M. Ware
Judge

2. The Court charges the jury that, if you believe the evidence in this case, you cannot find for the defendant under its plea of set off.

Refused (Carried)
J.M. Ware
Judge

698

JURY LIST, FIRST WEEK, SEPTEMBER 9, 1940

1. ~~C. Maynard Cogan, Farmer, Latham.~~ 291
2. ~~Harvey S. Rodgers, Geodetic Survey, Perdido.~~ 296
3. ~~Scrap T. Shiver, Farmer, Perdido.~~
4. ~~Herbert H. Killensee, Farmer, Bay Minette.~~ 295
5. ~~Thomas L. Taylor, Farmer, Bay Minette.~~
6. ~~Joe C. Durant, Farmer, Bay Minette.~~
7. ~~Larkin T. Rhodes, Merchant, Bay Minette.~~
8. ~~Edward D. Noonan, Newport, Bay Minette.~~
9. ~~Neal H. McDuffie, Cafe Operator, Bay Minette.~~
10. ~~Curtis B. Daniels, Merchant, Bay Minette.~~
11. ~~James E. Young, Merchant, Bay Minette.~~ 294
12. ~~Leonard J. Hooper, Newport, Bay Minette.~~
13. ~~James H. Faulkner, Publisher, Bay Minette.~~
14. ~~Hiram C. Taylor, Farmer, Bay Minette.~~
15. ~~James D. Morris, Farmer, Gateswood.~~
16. ~~Hollie V. Harrell, Merchant, Stapleton.~~
17. ~~Alton B. Hankins, Farmer, Loxley.~~ P 1
18. ~~Eddie L. Hiles, Mechanic, Loxley.~~ P 3
19. ~~Ferdinand A. Corie, Farmer, Loxley.~~ P 27
20. ~~Andy L. McDaniel, Farmer, Robertsdale.~~
21. ~~Nolan P. Cooper, Farmer, Rosinton.~~
22. ~~John T. Hadley, Laborer, Foley.~~ P 6
23. ~~James A. Walters, Farmer, Bon Secour.~~
24. ~~J. Emmet Wenzel, Merchant, Bon Secour.~~
25. ~~Thomas L. Steele, Farmer, Bon Secour.~~
26. ~~James A. Crane, Mechanic, Stockton.~~
27. ~~Preston Snowden, Contractor, Bay Minette.~~ 292
28. ~~Y. Charles Hall, Farmer, Bay Minette.~~
29. ~~John H. Hadley, Filling Station, Bay Minette.~~
30. ~~James Leo Smith, Teacher, Bay Minette.~~
31. ~~Norvelle Lee Cabaniss, Farmer, Bay Minette.~~
32. ~~W. DeVan Stapleton, Insurance, Bay Minette.~~ P 28
33. ~~Jesse W. Joyner, Filling Station, Bay Minette.~~
34. ~~William J. Etheridge, Plumber, Bay Minette.~~
35. ~~H. Pete Jones, Merchant, Bay Minette.~~
36. ~~Will F. Herron, Carpenter, Bay Minette.~~
37. ~~Dennis C. Byrne, Filling Station, Bay Minette.~~
38. ~~Dennis B. Howell, Barber, Bay Minette.~~
39. ~~Sherman M. Gideons, Salesman, Bay Minette.~~
40. ~~William A. Thompson, Ins. Agent, Bay Minette.~~
41. ~~Frank M. Tomlinson, Clerk, Bay Minette.~~

7 / 111 11
 6 / 111 1

41
 16
 25
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591

Bill

~~to~~
Wade

6. The Court charges the jury that, if you are reasonably satisfied from all of the evidence in this case that Matthew S. Brill was not the servant, agent or employee of the plaintiff, Everett E. Brill, at the time and place of the accident complained of in this case, you cannot find for the defendant under his pleas of contributory negligence.

Refused (cannot)
J. W. Hare
Judge

9. The Court charges you, gentlemen of the jury, that, unless you are reasonably satisfied from all of the evidence in this case that Matthew S. Brill was driving the plaintiff's automobile at the time and place of the accident, and that he was then and there acting as the agent, servant or employee of the plaintiff and that he was acting within the line and scope of his employment as such, then you cannot find for the defendant under his plea of set off or counterclaim.

Refused (cannot)
J. W. Hare
Judge

7. The Court charges the jury that, if you are reasonably satisfied from all of the evidence in this case that, at the time and place of the accident complained of, Matthew S. Brill was driving the plaintiff's automobile but was not, at said time and place, the agent, servant or employee of the plaintiff, or that, if he was such agent, servant or employee, that he was not then and there acting within the line and scope of his employment as such, you cannot find for the defendant under his pleas of contributory negligence.

8. The Court charges you, gentlemen of the jury, that, unless you are reasonably satisfied from all of the evidence in this case that Matthew S. Brill was driving the plaintiff's automobile at the time and place of the accident, and that he was then and there acting as the agent, servant or employee of the plaintiff and that he was acting within the line and scope of his employment as such, then you cannot find for the defendant under his pleas of contributory negligence.

Refused (Carroll 5)
Dr. Hara
Judge

Judgement	----	\$30.00
Commission	----	1.50
Int. to Dec 12th-		.45
Cost		64.45
Total		<u>\$96.40</u>