524

R. H. HENDERSON, Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA.
R. T. LEMON and T. Y. NELSON, Defendants.	)	AT LAW.

Now comes the Defendant R. T. Lemon, and demurs to the complaint herein and each count thereof, separately and severally, upon the following grounds:

FIRST: Because the allegations of said count do not state facts which constitute a cause of action against the Defendant R. T. Lemon.

SECOND: Because the allegations of said count are not sufficient upon which to predicate the liability of the Defendant R. T. Lemon for any act on the part of T. Y. Nelson.

THIRD: Because no facts are alleged from which it can be said as a matter of law that R. T. Lemon was responsible for any negligence on the part of T. Y. Nelson.

FOURTH: Because it does not appear from said count that the Defendant R. T. Lemon has violated any right of the Plaintiff.

FIFTH: Because it does not appear from said count that the Plaintiff sustained any injuries as a proximate result of any negligence of the Defendant R. T. Lemon, or negligence for which the said R. T. Lemon is responsible as a matter of law.

SIXTH: Because the allegation that T. Y. Nelson was an agent or servant of the Defendant R. T. Lemon is but the mere conlusion of the pleader.

ATTORNEY FOR THE DEFENDANT R. T. LEMON.

AT LAW

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

R. H. HENDERSON,

Plaintiff,

vs.

R. T. LEMON and T. Y. NELSON,

Defendants.

DEMURRERS

Filed July 25, 1939
R. S. DUCK
clerk, register
By Lillie Thompson
Deputy

D. R. COLEY, JR.,

ATTY. FOR DEFT. R. T. LEMON

ALIAS.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon R. R. LEMON and T. Y. NELSON 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 R. H. HENDERSON.

WITNESS my hand this 24 day of Jan., 1939.

R. S. DUCK, Clerk.

:::

R. H. HENDERSON,
Plaintiff,
Vs.
R. T. LEMON and T. Y. NELSON,
Defendants.

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

The Plaintiff claims of the Defendants FIVE HUNDRED ($500.00) DOLLARS damages, for that heretofore, on to-wit, May 28th, 1939, the Defendant, R. T. Lemon, acting by and through his agent or employee, the Defendant, R. Y. Nelson, who was then and there acting within the line and scope of his employment, so negligently and carelessly operated an automobile along the Daphne-Fairhope Highway, in Baldwin County, Alabama, at a point near Rock Creek, about two miles South of Daphne, as to run or drive said automobile into or against an automobile which the Plaintiff was then and there operating on and along said highway,and as a proximate result of said collision, the automobile in which the Plaintiff was riding was damaged as follows:

> Two wheels broken; Fenders bena dna damaged; Running Board destroyed; Springs broken; Glasses in the doors broken; Rear Axle spring; Tires and Tubes damaged, and said automobile otherwise damaged.

The Plaintiff alleges and avers that his damages were caused as a proximate result of the negligence of the Defendant, R. T. Lemon, acting by and through his agent or employee, T. Y. Nelson, who was then and there acting within the line and scope of his employment.

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

2. The Plaintiff claims of the Defendants FIVE HUNDRED ($500.00) DOLLARS, damages, for that heretofore, on to-wit, May 28th, 1939, the Plaintiff was operating or driving an automobile along the Daphne-Fairhope Highway, a public highway in Baldwin County, Alabama, at a point near Rock Creek; that on said date and at said place, the Defendant, R. T. Lemon, acting be and through his agent or employee, T. Y. Nelson, who was then and there acting within the line and scope of his employment, negligently ran or drove an automobile, which he was then and there driving, into or against an- automobile in which the Plaintiff was driving, and as a proximate result of said negligence the automobile in which the Plaintiff was riding was damaged as follows:

> Two wheels broken; Fenders bent and damaged; Running Board destroyed; Springs broken; Glasses in the doors broken; Rear Axle sprung; Tires and Tubes damaged, and said automobile otherwise damaged.

The Plaintiff alleges and avers that the damage to the automobile which he was driving was a proximate result of the negligence of the said Defendant, R. T. Lemon, acting by and through his agent or employee, T. Y. Nelson, who was then and there acting within the line and scope of his employment, in the operation of the automobile that he was then and there driving or operating.

All to the damage of the Plaintiff as aforesaid, hence this suit.

BEEBE, HALL & BEEBE,
Attorneys for Plaintiff.

Plaintiff demands a trial by Jury.

BEEBE, HALL & BEEBE,
Attorneys for Plaintiff.

Defendants' addresses:

Mr. R. T. Lemon, C/o Waterman Steamship Corporation, Mobile, Alabama.

Mr. T. Y. Nelson, C/o Waterman Steamship Corporation, Mobile, Alabama.

Copy for
T. Y. Nelson

145
1/25/40
Ben

Alias.

R. H. HENDERSON,
Plaintiff,

Vs.

R. T. LEACH and T. Y.
NELSON,
Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed January 24, 1940
R.S. Peck, Clerk

CIVIL COST BILL

Moore Printing Co., Bay Minette, Ala.

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

Spring Term, 1941

R. H. Henderson

No. 524 vs.

R. L. Lemon & L. Y. Nelson

BILL OF COSTS

CLERK'S FEES:	AMOUNT	
Fees in Circuit Court—		
Docketing Cause, One Fee only of ..... .25		25
Issuing Summ. and Complt., each 1.25	1	25
Issuing Alias or Branch Summons & Complaint, each 1.25		
Making Copies Thereof, Minimum, each ..... .30		60
Making Copies Thereof, over 200 Words, per 100 words .15		
Entering Sheriff's Returns, each ..... .20		
Entering Appearances, each ..... .20		
Certifying Affidavits, each ..... .25		
Issuing Attachments with Bond, each 1.00		
Orders of Publication, each ..... .50		
Copy of Same, each ..... .50		
Issuing Summ. to Garnishee, each ..... .50		
Copy of Same, Per 100 Words ..... .15		
Swearing Garnishee, Etc., Per 100 words, .15, Minimum ..... .50		
Release of Garnishee, each ..... .25		
Issuing Scire Facias or Similar Notice, each ..... .75		
Copies of Same, Per 100 Words ..... .15		
Making Copy of Interrogatories, Per 100 Words, .15; Minimum ..... .50		
Commission to Take Depositions, each ..... .75		
Filing Depositions, Each Pkg., ... .10		
Endorsing Each Package of Depositions Opened ..... .10		
Issuing Subpoenas, Each ..... .30		
Issuing Witness Certificates, each ..... .25		
Entering Continuances, each ..... .10		
Filing Papers, each 6 ..... .10		60
Other Orders of Court, each 2 ..... .30		60
Trial and Incidents ..... .75		75
Entering Judgment, each ..... .30		
Complete Record, Per 100 Words ..... .15	4	95
Taking Bonds, each ..... .75		
Certificate of Appeal ..... .25		
Transcript to Supreme Court, Per 100 Words ..... .15		
Additional Copies of Same, Per 100 Words ..... .05		
Issuing Executions or Copy Thereof, each ..... .50		
Entering Sheriff's Return, Per 100 Words, .15; Minimum ..... .20		
.....		
.....	8	90
.....		
Total Clerk's Fees	8	90
SHERIFF'S FEES:		
Serving and Returning Summons or Writ, each 1.50	1	50
Levying Attachment, each 3.00		
Entering and Returning Same, each ..... .25		
Seizing Personal Property Under Writ of Detinue .. 3.00		
Taking and Approving Bonds, each 1.00		
Summoning Garnishee and Return, each 1.50		
Serving and Returning Sci. Fa. or Notice, Each 1.50	1	50
Serving and Returning Subpoenas, each ..... .65		
Serving Contempt Attachment, each 1.50		
Impaneling Jury ..... .75		
Collecting Execution for Costs Only, each 1.50		
Coms. for Collecting Money on Executions		
Executing Writs of Possession, each 5.00		
Making Deed to Real Estate Sold, each. 2.50		
.....		
.....		
Total Sheriff's Fees	3	00

SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT	
Fees and Costs in Circuit Court:		
Clerk's Fees	8	90
Ex-Clerk's Fees		
Sheriff's Fees	3	00
Ex-Sheriff's Fees		
Witness Fees		
Commissioner's Fees		
.....		
Garnishee's Fees		
Publisher's Fees		
.....		
Court Reporter's Fees, Per Day or fraction thereof .5.00		
Trial Tax 3.00	3	00
.....		
.....		
.....		
.....		
.....		
.....		
Fees and Costs in Inferior Court:		
Clerk of Inferior Court Fees		
Sheriff's Fees		
Justice of Peace Fees		
Constable's Fees		
.....		
.....		
Fees and Costs in Inferior Court		
Total Fees and Costs		
Judgment		
10 Per Cent Damages		
Interest		
.....		
Total Judgment		
Total Fees, Costs and Judgment		
.....		
.....		
.....		
Total	14	90

Ret 583
5/30/41

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: _____

Clerk Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____ 194____

ATTEST: _____

Clerk Circuit Court, Baldwin County, Ala.

No. 524 Page _____

The State of Alabama,

BALDWIN COUNTY

CIRCUIT COURT

R. H. Henderson

vs. Plaintiff____

R. L. Lemon &

T. Y. Nelson

Defendant____

CIVIL COST BILL

_____ Term, 19____

Fee Book _____, Page _____

_____

Plaintiff's Attorney.

_____

Defendant's Attorney.

Moore Printing Co., Bay Minette, Ala.

STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon R. T. LEMON and T. Y. NELSON 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 R. H. HENDERSON.

WITNESS my hand this 24th day of January, 1939.

R. S. Duck
Clerk.
By Anthea Thompson,
Deputy Clerk

R. H. HENDERSON,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	
	)	BALDWIN COUNTY, ALABAMA,
VS.	)	
	)	
R. T. LEMON and T. Y. NELSON,	)	AT LAW.
	)	
Defendants.	)	

The Plaintiff claims of the Defendants FIVE HUNDRED ($500.00) DOLLARS damages, for that heretofore, on to-wit, May 28th, 1939, the Defendant, R. T. Lemon, acting by and through his agent or employee, the Defendant, T. Y. Nelson, who was then and there acting within the line and scope of his employment, so negligently and carelessly operated an automobile along the Daphne-Fairhope Highway, in Baldwin County, Alabama, at a point near Rock Creek, about two miles South of Daphne, as to run or drive said automobile into or against an automobile of the plaintiff which the Plaintiff was then and there operating on and along said highway, and as a proximate result of said collision, the plaintiff's automobile in which the Plaintiff was riding was damaged as follows:

> Two wheels broken; Fenders bent and damaged; Running Board destroyed; Springs broken; Glasses in the doors broken; Rear Axle sprung; Tires and Tubes damaged, and said automobile otherwise damaged.

The Plaintiff alleges and avers that his damages were caused as a proximate result of the negligence of the Defendant, R. T. Lemon, acting by and through his agent or employee, T. Y. Nelson, who was then and there acting within the line and scope of his employment.

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

c/o Waterman & St. Louis,
Mobile, Ala.

Alias

RECORDED

SUMMONS AND COMPLAINT

R. H. HENDERSON,

Plaintiff,

VS.

R. T. LEMON and
T. Y. NELSON,

Defendants.

Not Served

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed June 28, 1939
R. S. DUCK
clerk, - register

By [illegible] Deputy

Refiled Jan. 24, 1940.
R. S. Duck, Clerk

BEEBE, HALL & BEEBE
LAWYERS
BAY MINETTE, ALABAMA

After diligent search

Not located in Mobile for
information on file

Received 1/25/40
Returned 2/8/40
Not found in my County after diligent search and inquiry.

W. H. HOLCOMBE, Sheriff

By [illegible] D.S.

2. The Plaintiff claims of the Defendants FIVE HUNDRED ($500.00) DOLLARS, damages, for that heretofore, on to-wit, May 28th, 1939, the Plaintiff was operating or driving an automobile the property of the plaintiff along the Daphne-Fairhope Highway, a public highway in Baldwin County, Alabama, at a point near Rock Creek; that on said date and at said place, the Defendant, R. T. Lemon, acting by and through his agent or employee, T. Y. Nelson, who was then and there acting within the line and scope of his employment, negligently ran or drove an automobile, which he was then and there driving, into or against plaintiffs ~~an~~ automobile in which the Plaintiff was driving, and as a proximate result of said negligence the plaintiffs automobile in which the Plaintiff was riding was damaged as follows:

> Two wheels broken; Fenders bent and damaged; Running Board destroyed; Springs broken; Glasses in the doors broken; Rear Axle sprung; Tires and Tubes damaged, and said automobile otherwise damaged.

The Plaintiff alleges and avers that the damage to the automobile which he was driving was a proximate result of the negligence of the said Defendant, R. T. Lemon, acting by and through his agent or employee, T. Y. Nelson, who was then and there acting within the line and scope of his employment, in the operation of the automobile that he was then and there driving or operating.

All to the damage of the Plaintiff as aforesaid, hence this suit.

Beebe Dell & Beebe
Attorneys for Plaintiff.

Plaintiff demands a trial by Jury.

Beebe Dell & Beebe
Attorneys for Plaintiff.

Defendants' addresses:

Mr. R. T. Lemon, C/o Waterman Steamship Corporation, Mobile, Alabama.

Mr. T. Y. Nelson, C/o Waterman Steamship Corporation, Mobile, Alabama.

SUMMONS AND COMPLAINT

R. H. HENDERSON,

Plaintiff,

VS.

R. T. LEMON and T. Y. NELSON,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

R. H. HENDERSON, Plaintiff,	)	AT LAW
-vs-	)	IN THE CIRCUIT COURT OF
R. T. LEMON and T. Y. NELSON, Defendants.	)	BALDWIN COUNTY, ALABAMA.

Now comes the defendant R. T. Lemon and for answer to Counts 1 and 2 of the complaint as amended, separately and severally, pleads:

1: By consent, in short, the general issue.

2: For further answer to Count 1 of the complaint as amended, the defendant R. T. Lemon says that at the time and place of the matters complained of the plaintiff was himself guilty of negligence which proximately contributed to the injuries and damages complained of in that the defendant R.T. Lemon's automobile was then and there being driven northwardly on the public highway in Baldwin County, Alabama. That at said point the highway was of sufficient width for the automobiles of the defendant and plaintiff to pass with safety, but that notwithstanding this fact, and well knowing that if he failed to drive to the righthand side of the center of the road and permitted the car which he was driving to extend to the left of the center of the highway, it would probably come into collision with the automobile of the defendant, the plaintiff negligently, recklessly and carelessly drove the automobile in which he was then and there riding so that the lefthand side thereof extended to the left of the center of the road and into the path of the defendant's automobile, and defendant says that the negligence of the plaintiff as aforesaid, proximately contributed to the injury sustained by him. WHEREFORE, plaintiff should not recover in this cause.

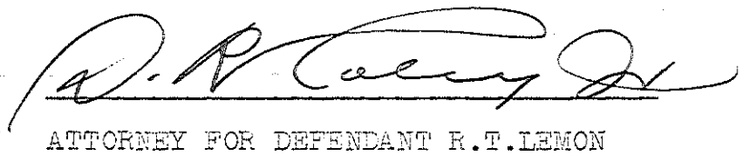
3: And for further answer to said Count 1 of the complaint as amended, the defendant R. T. Lemon says that at the time and place of the matters complained of, the plaintiff was guilty of negligence which proximately contributed to the injuries

and damages complained of in that the plaintiff knew that the defendant's automobile was approaching on said highway in the opposite direction to that in which the plaintiff was traveling and knew that if he failed to drive to the right of the center of said highway, that said automobile would probably come into collision with the defendant's automobile, but that notwithstanding these facts the plaintiff negligently and recklessly caused and permitted the automobile then and there being driven by him to extend beyond the center and to his left of the center of the said highway and into the path of the defendant's automobile being then and there driven along said highway, so that the defendant's automobile came into collision with the automobile driven by the plaintff. WHEREFORE, plaintiff should not recover in this cause.

4. And for further answer to Count 1 of the complaint as amended, the defendant R. T. Lemon pleads specially by way of recoupment that at the time of the commencement of this suit the plaintiff was indebted to him in the sum of to-wit, $500.00 damages for that at the time and at the place complained of plaintiff so negligently operated an automobile northwardly on a public highway in Baldwin County that he caused it to run into and against the defendant's automobile, and as a direct and proximate consequence of said negligence the defendant's car was badly wrecked and damaged, all to his damage in the sum of, to-wit, $500.00, and defendant offers to recoup said damages against the claim of the plaintiff and claims of the plaintiff the sum of $500.00 damages as aforesaid.

5: For further answer to Count Two of the complaint as amended, the defendant R. T. Lemon pleads specially by way of recoupment that at the time of the commencement of this suit plaintiff was indebted to him, in, to-wit, the sum of $500.00 for that at the time and place complained of plaintiff so recklessly and negligently operated the automobile in which he was then and there riding on said highway that he ran the same into and against the automobile of the defendant, and as a proximate result thereof the defendant's car was badly wrecked and damaged, all as the proximate consequence of the negligence of the plaintiff aforesaid, and defendant offers to recoup said sum of $500.00 against the claim of

the plaintiff, and claims said sum as damages against the plaintiff.



ATTORNEY FOR DEFENDANT R.T.LEMON

RECORDED

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

R. H. HENDERSON,

Plaintiff,

vs.

R. T. LEMON, et al.,

Defendants.

ANSWER OF
R. T. LEMON

Filed this 4 day October 1940

R. S. Dunbar
Clerk-Register

D. R. COLTY, JR.,
ATTORNEY FOR DEFENDANT
R. T. LEMON

R. H. HENDERSON, Plaintiff,	)	AT LAW
-vs-	)	IN THE CIRCUIT COURT OF
R. T. LEMON and T. Y. NELSON	)	BALDWIN COUNTY, ALABAMA.

Now comes the defendant T. Y. Nelson and for answer to Counts 1 and 2 of the complaint as amended, separately and severally, pleads:

1: By consent, in short, the general issue.

2: For further answer to Count 1 of the complaint as amended, the defendant T. Y. Nelson says that at the time and place of the matters complained of the plaintiff was himself guilty of negligence which proximately contributed to the injuries and damages complained of in that the defendant T.Y. Nelson at said time and place was driving an automobile northwardly on the public highway in Baldwin County, Alabama. That at said point the highway was of sufficient width for the automobiles driven by the defendant and plaintiff to pass with safety, but that notwithstanding this fact, and well knowing that if he failed to drive to the righthand side of the center of the road and permitted the carwhich he was driving to extend to the left of the center of the highway, it would probably come into collision with the automobile then and there being driven by the defendant T. Y. Nelson , the plaintiff negligently, recklessly and carelessly drove the automobile in which he was then and there riding so that the lefthand side thereof extended to the left of the center of the road and into the path of the automobile then and there being driven by the defendant, and defendant says that the negligence of the plaintiff as aforesaid, proximately contributed to the injury sustained by him. WHEREFORE, plaintiff should not recover in this cause.

3: And for further answer to said Count 1 of the complaint as amended, the defendant T. Y. Nelson says that at the time and place of the matters complained of, the plaintiff was guilty of negligence which proximately contributed to the

injuries and damages complained of in that the plaintiff knew that the defendant T. Y. Nelson was approaching in an automobile on said highway in the opposite direction to that in which the plaintiff was traveling and knew that if he failed to drive to the right of the center of said highway, that said automobile would probably come into collision with the automobile driven by the defendant, but that notwithstanding these facts the plaintiff negligently and recklessly caused and permitted the automobile then and there being driven by him to extend beyond the center and to his left of the center of the said highway and into the path of the automobile being then and there driven along said highway by the defendant, so that the defendant's automobile came into collision with the automobile driven by the plaintiff. WHEREFORE, Plaintiff should not recover in this cause.

4: And for further answer to Count 1 of the complaint as amended, the defendant T. Y. Nelson pleads specially by way of recoupment that at the time of the commencement of this suit the plaintiff was indebted to him in the sum of, to-wit, $500.00 damages for that at the time and at the place complained of plaintiff so negligently operated an automobile northwardly on a public highway in Baldwin County that he caused it to run into and against an automobile which was then and there being driven on the highway by the defendant T. Y. Nelson, and as a direct and proximate consequence of said negligence the defendant was severely bruised, hurt and made sore, he was caused to lose much time from his employment and to incur expense in securing transportation from said point and in moving the automobile which he was driving therefrom, all to his damage in the sum of, to-wit, $500.00, and defendant offers to recoup said damages against the claim of the plaintiff and claims of the plaintiff the sum of $500.00 damages as aforesaid.

5: For further answer to Count 2 of the complaint as amended, the defendant T. Y. Nelson pleads specially by way of recoupment that at the time of the commencement of this suit plaintiff was indebted to him in, to-wit, the sum of $500.00 for that at the time and place complained of plaintiff so recklessly and

negligently operated the automobile in which he was then and there riding on said highway that he ran the same into and against the automobile in which the defendant was then and there riding, and as a proximate result thereof the defendant was badly bruised and hurt, suffered great pain and mental anguish, was caused to lose time from his employment and to incur expense in and about the moving of himself and the automobile from the point of said collision, all as the proximate consequence of the negligence of the plaintiff aforesaid, and defendant offers to recoup said sum of $500.00 against the claim of the plaintiff, and claims said sum as damages against the plaintiff.

ATTORNEY FOR DEFENDANT T. Y. NELSON

AT LAW 524

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

R. H. HENDERSON,

Plaintiff,

vs.

R. T. LEMON AND T. Y. NELSON,

Defendants.

ANSWER OF T. Y. NELSON

Filed this 4 day October 19 40

R. E. Duck

Clerk-Register

D. R. COIEY, JR.,

ATTORNEY FOR DEFENDANT
T. Y. NELSON.

R. H. HENDERSON,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA,
VS.	)	
R. T. LEMON and T. Y. NELSON,	)	AT LAW.
Defendants.	)	

ANSWERS OF THE PLAINTIFF TO INTERROGATORIES FILED BY THE DEFENDANT, IN THE ABOVE STYLED CAUSE:

1. For answer to Interrogatory 1: Reginald H. Henderson.

2. For answer to Interrogatory 2: Thirty-five. Chemist.

3. For answer to Interrogatory 3: Bay Minette, Baldwin County, Ala.

4. For answer to Interrogatory 4: About 3:30 in the morning.

5. For answer to Interrogatory 5: Fair. A bit foggy.

6. For answer to Interrogatory 6: Maude Henderson, Annie Laura Henderson, Charlie Mack Henderson, Gayle Henderson and George Henderson. All living at Bay Minette, in Baldwin County, Alabama.

7. For answer to Interrogatory 7: 1935 Chevrolet, Two door Coach

8. For answer to Interrogatory 8: No.

9. For answer to Interrogatory 9: J. C. Hansen, Bay Minette, Ala.

10. For answer to Interrogatory 10: Yes.

11. For answer to Interrogatory 11: Mecca Service Station, Fairhope, Alabama, and Wilson Chevrolet Company, Bay Minette, Ala.

12. For answer to Interrogatory 12: Left front and rear fender and left running board destroyed; left front and rear wheels and tires destroyed; left front springs broken; glass out of the front door, and otherwise damaged.

13. For answer to Interrogatory 13: Bay Minette, Alabama.

14. For answer to Interrogatory 14: To Fairhope and then to Pensacola.

15. For answer to Interrogatory 15: About 15 miles an hour.

16. For answer to Interrogatory 16: The Defendant crowded me off the highway and although I was on the extreme right side of the road, the Defendant came down the middle of the road and ran into me.

R. H. Henderson

Sworn to and subscribed before me
this 28th day of October, 1939.

C. Burns Jones
Notary Public, Baldwin County, Ala.

C. BURNS JONES
NOTARY PUBLIC
BALDWIN COUNTY, ALABAMA

ANSWER TO INTERROGATORIES:

R. H. HENDERSON,

Plaintiff,

VS.

R. T. LEMON, ET AL.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed Oct. 31, 1929

R. S. DUCK

clerk, - register

By Nellie Thompson

Deputy

R. H. HENDERSON, Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA.
R. T. LEMON and T. Y. NELSON, Defendants.	)	AT LAW.

INTERROGATORIES TO BE PROPOUNDED BY THE DEFENDANT R. T. LEMON TO THE PLAINTIFF R. H. HENDERSON:

1. Please give your full name.

2. What is your age and occupation?

3. Where do you live?

4. Please give the time of day or night the accident occurred, as a result of which you have brought suit in this cause.

5. What was the condition of the weather?

6. Give the names and addresses of each person in the automobile with you at the time of the collision.

7. Please describe the car which you were driving at the time of the collision complained of; give its make, year, model, and type of car.

8. Did you own said automobile and, if so, from whom did you purchase it, when, and for what price?

9. If you did not own the automobile at the time of the collision, please state who did own it.

10. Did you have the automobile repaired?

11. If so, where?

12. Please itemize the damage done to the automobile which you were driving.

13. Please state where you last stopped before the collision took place.

14. Where were you going?

15. What speed were you travelling at the time the collision took place?

16. Please state in detail the facts upon which you rely to establish negligence on the part of T. Y. Nelson in this case.

ATTORNEY FOR DEFENDANT R. T. LEMON

STATE OF ALABAMA,)
COUNTY OF MOBILE.)

Before me, Frances E. Stevens, a Notary Public in and for said State and County, personally appeared D. R. Coley, Jr., Attorney for R. T. Lemon, Defendant in the above entitled cause, who, being by me first duly sworn, deposes and says that the answers to the foregoing interrogatories, numbered "1" through "16", correctly made, will be material testimony for the Defendant, R. T. Lemon, on the trial of the above entitled cause.

D. R. Coley Jr.

Subscribed and sworn to
before me this the 22nd
day of July, 1939.

Frances E. Stevens
NOTARY PUBLIC, MOBILE COUNTY, ALA.

AT LAW

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

R. H. HENDERSON,

Plaintiff,

vs.

R. T. LEMON, et al.,

Defendants.

INTERROGATORIES TO BE PROPOUNDED TO THE PLAINTIFF BY THE DEFENDANT R. T. LEMON

Filed July 25, 1939
R. S. DOOK
clerk, - register
By Vauthie Thompson
Deputy

D. R. COLEY, JR.,
ATTY. FOR DEFT. R. T. LEMON

Executed this the 27th day of July 1939 by serving a copy of the within interrogatories on H. M. Hale atty for Plaintiff

M. R. Stuart
Sheriff

by A. Pruett
DS

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon R. T. LEMON and T. Y. NELSON 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 R. H. HENDERSON.

WITNESS my hand this 28 day of June, 1939.

P. S. Duck
Clerk.
By - Vaudie Thompson,
Deputy-Clerk

R. H. HENDERSON, Plaintiff, VS. R. T. LEMON and T. Y. NELSON, Defendants.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW.

The Plaintiff claims of the Defendants FIVE HUNDRED ($500.00) DOLLARS damages, for that heretofore, on to-wit, May 28th, 1939, the Defendant, R. T. Lemon, acting by and through his agent or employee, the Defendant, T. Y. Nelson, who was then and there acting within the line and scope of his employment, so negligently and carelessly operated an automobile along the Daphne-Fairhope Highway, in Baldwin County, Alabama, at a point near Rock Creek, about two miles South of Daphne, as to run or drive said automobile into or against an automobile which the Plaintiff was then and there operating on and along said highway, and as a proximate result of said collision, the automobile in which the Plaintiff was riding was damaged as follows:

> Two wheels broken; Fenders bent and damaged; Running Board destroyed; Springs broken; Glasses in the doors broken; Rear Axle sprung; Tires and Tubes damaged, and said automobile otherwise damaged.

The Plaintiff alleges and avers that his damages were caused as a proximate result of the negligence of the Defendant, R. T. Lemon, acting by and through his agent or employee, T. Y. Nelson, who was then and there acting within the line and scope of his employment.

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

2. The Plaintiff claims of the Defendants FIVE HUNDRED ($500.00) DOLLARS, damages, for that heretofore, on to-wit, May 28th, 1939, the Plaintiff was operating or driving an automobile along the Daphne-Fairhope Highway, a public highway in Baldwin County, Alabama, at a point near Rock Creek; that on said date and at said place, the Defendant, R. T. Lemon, acting by and through his agent or employee, T. Y. Nelson, who was then and there acting within the line and scope of his employment, negligently ran or drove an automobile, which he was then and there driving, into or against an automobile in which the Plaintiff was driving, and as a proximate result of said negligence the automobile in which the Plaintiff was riding was damaged as follows:

> Two wheels broken; Fenders bent and damaged; Running Board destroyed; Springs broken; Glasses in the doors broken; Rear Axle sprung; Tires and Tubes damaged, and said automobile otherwise damaged.

The Plaintiff alleges and avers that the damage to the automobile which he was driving was a proximate result of the negligence of the said Defendant, R. T. Lemon, acting by and through his agent or employee, T. Y. Nelson, who was then and there acting within the line and scope of his employment, in the operation of the automobile that he was then and there driving or operating.

All to the damage of the Plaintiff as aforesaid, hence this suit.

Attorneys for Plaintiff.

Plaintiff demands a trial by Jury.

Attorneys for Plaintiff.

Defendants' addresses:

Mr. R. T. Lemon, C/o Waterman Steamship Corporation, Mobile, Alabama.

Mr. T. Y. Nelson, C/o Waterman Steamship Corporation, Mobile, Alabama.

Rec'd 6/30/39

RECORDED

SUMMONS AND COMPLAINT

R. H. HENDERSON,

Plaintiff,

VS.

R. T. LEMON and T. Y. NELSON,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed June 28, 1939

R. S. DUCK

clerk, - register

By Cynthia Thompson

Deputy

Received 30 Day of June 1939

and on 1 Day of July 1939

I served within

on R. T. Lemon

by service

W. H. HOLCOMBE, Sheriff

By Rose Bernstein D.S.

T. Y. Nelson (will be at my home 4 months) 6-30-39

Received 6-30-39

Returned 7-5-39

Not found in my County after diligent search and inquiry.

W. H. HOLCOMBE, Sheriff

By Rose Bernstein D.S.