

882

DOUGLAS E. VIEG, et als
Complainants,
VS.
FRANCIS E. HARRELL,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 949.

AMENDED BILL OF COMPLAINT

Now come the Complainants, Douglas E. Vieg, John C. Vieg, Victor G. Vieg, Charlotte Blair and Eva Fox and amend the original Bill of Complaint heretofore filed in this cause by amending the Prayer for Relief contained therein so that the said Prayer for Relief as amended will read as follows:

Your Orators respectfully pray for the following separate and several relief:

1. That this cause be referred to the Register of this Court with instructions to hold a reference, examine witnesses and ascertain and report the following:

(a) The amount of timber cut and removed from the property described in the Bill of Complaint by the Respondents, the value thereof and the amount of damage done to your Orators thereby be the amount that is due the Respondent, Francis E. Harrell for taxes paid at the tax sale, the taxes subsequently paid by him on the said property and all other amounts to which the said Respondent is entitled as fixed by Title 51 Section 283 of the 1940 Code of Alabama.

2. That the alleged tax sale under which the Respondent claims title be decreed to be void and the Complainants be permitted to redeem from the said tax sale by paying to the Respondent the amounts due him as provided by Title 51, Section 283 of the 1940 Code of Alabama.

3. Your Orators further pray for such other, further and general relief as they may be equitably entitled to the premises considered.

J. T. Blackburn
Solicitor for Complainants.

RECORDED

2-7

1944
Bills

copy of within

A. M. Hall

W. P. Stewart
Grady Hall

RECORDED

AMENDED BILL OF COMPLAINT

DOUGLAS E. VIEG, et als

Complainants,

VS.

FRANCIS E. HARRELL,

Respondents.

RECORDED

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 949.

Filed September 7, 1944.

F. S. Luck
Register.

BALDWIN COUNTY

You are hereby commanded to summon the Baldwin County Electric Membership Corporation and Aubrey Braswell 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 Walter L. Schwarz.

Reduce

Circuit Clerk.

[illegible]

Plaintiff,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Defendants.

1. The Plaintiff claims of the Defendants the sum of Five Thousand Dollars damages for that on to-wit, August 22, 1943 the Plaintiff was traveling in his automobile along Alabama Highway Number 3 which is the paved highway leading from Robertsdale to Foley, in Baldwin County, Alabama, at a point about one mile south of Robertsdale, Alabama, where he had a right to be and while he was lawfully traveling upon said highway in a northerly direction in his automobile, the defendant, Aubrey Braswell, who was then and there acting within the line and scope of his authority as the agent, servant or employee of the Defendant, Baldwin County Electric Membership Corporation became aware of Plaintiff's danger of being run into by the said truck which he was driving and thereafter negligently caused the said truck to run into, upon or against

Plaintiff's automobile and as a proximate result of said negligence the Plaintiff's automobile was demolished, the Plaintiff received serious lacerations of the head, a concussion of the brain, he was caused to spend large sums of money for hospital and doctor bills and medical expense. The Plaintiff further alleges that his said injuries and damages were proximately caused by the negligence of the said Defendant, Aubrey Braswell, who was then and there the agent, servant or employee of the said Baldwin County Electric Membership Corporation and acting within the line and scope of his authority.

J. B. Blackburn
Attorney for Plaintiff.

Plaintiff demands a trial of said cause by jury.

J. B. Blackburn
Attorney for Plaintiff.

Received Aug 21, 1944
or serving copy of within Summons &
complaint on

Aubrey Braswell and
d. A. F. Fillingim vs.
Mrg of Baldwin County
Electric Membership Corporation
W.C. Stuart
O. H. Fillingim Deputy Sheriff

RECORDED

882
RECORDED

SUMMONS AND COMPLAINT

WALTER L. SCHWARZ,

Plaintiff,

VS.

BALDWIN COUNTY ELECTRIC MEMBER-
SHIP CORPORATION AND AUBREY
BRASWELL,

Defendants.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

RECORDED

Filed August 19, 1944
O. H. Fillingim

WALTER L. SCHWARZ,

Plaintiff,

VS.

BALDWIN COUNTY ELECTRIC
MEMBERSHIP CORPORATION AND
AUBREY BRASWELL,

Defendants.


IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

REPLICATION

Now comes the Plaintiff and for replication to
Defendants' Pleas Second and Third, each separately and severally,
says:

1. The allegations of the said Pleas are untrue.


Attorney for Plaintiff.

RECORDED
REPLICATION

WALTER L. SCHWARZ,
Plaintiff,

VS.

BALDWIN COUNTY ELECTRIC
MEMBERSHIP CORPORATION AND
AUBREY BRASWELL,

Defendants.

RECORDED

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

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

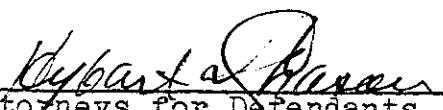
AT LAW.

SEC OND

THIRD

The defendant Baldwin County Electric Membership Corporation, a corporation, pleads specially by way of recoupment that at the time and place of the accident complained of in the plaintiff's complaint,

defendant's automobile truck was being driven along Alabama Highway #3 by its servant and agent Aubrey Braswell at a point one mile South of Robertsedale, where the Defendant, Baldwin County Electric Membership Corporation had a right to have its said truck driven, at which time and place the plaintiff negligently ran an automobile into or against the truck of the defendant Baldwin County Electric Membership Corporation, which was then and there being driven by defendant's servant and agent, Aubrey Braswell, causing said truck to be turned over and thereby causing its right rear fender, body and top to be badly bent, broken and torn, all to its damage in the sum of \$500 which defendant Baldwin County Electric Membership Corporation asks judgment of the court for against the plaintiff, and the defendant further avers that the said negligence of the Plaintiff in and about the operation of his automobile as aforesaid was the proximate cause of the injuries to its said truck aforesaid.


Attorneys for Defendants.

RECORDS

PLTA

WALTER L. SCHWARZ,
Plaintiff,

vs.

BALDWIN COUNTY ELECTRIC
MEMBERSHIP CORPORATION,
AND AUBREY BRASWELL,

Defendants.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

FILED SEPTEMBER 25, 1944
LAW OFFICES - Clerk.

HYBART & CHASON

Bay Minette, Alabama

RECORDED

RECORDS

WALTER L. SCHWARZ,

Plaintiff,

VS.

BALDWIN COUNTY ELECTRIC
MEMBERSHIP CORPORATION AND
AUBREY BRASWELL,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Now comes the Defendants in the above styled cause,
separately and severally and for Plea to the Complaint say:

A. Not guilty.

B. The Plaintiff himself was guilty of negligence which proximately contributed to his injuries and damages and on account of which he should not recover in this action, said contributory negligence consisted in this: that at the point of the collision between Plaintiff's automobile and Defendant, Baldwin County Electric Membership Corporation's truck which occurred at the time and place mentioned in the Complaint that the Plaintiff who was then and there driving his automobile North and on the right hand side of the highway and as he approached said truck negligently drove his said automobile immediately in front of said truck which was traveling South and being driven on the right hand side of the highway and as a proximate cause thereof he negligently caused the said automobile to run into and against the Defendant, Baldwin County Electric Membership Corporation's truck wherefore the Plaintiff should not recover.

Hybert A. Mason
Attorneys for Defendants.

PLEAS.

RECORDED

WALTER L. SCHWARZ,

Plaintiff,

VS.

BALDWIN COUNTY ELECTRIC
MEMBERSHIP CORPORATION AND
AUBREY BRASWELL,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed: September 20, 1945.

Beck
CLERK.

RECORDED

WALTER L. SCHWARZ,

Plaintiff,

VS.

BALDWIN COUNTY ELECTRIC
MEMBERSHIP CORPORATION,
AND AUBREY BRASWELL,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

Now come the Defendants and file this their
Demurrer to the Complaint in this cause and assigns as grounds
therefor, the following:

FIRST:

That said Complaint does not state a cause
of action.

SECOND:

That the Allegation in the Complaint that
the Plaintiff was lawfully traveling upon said highway is a con-
clusion of the pleader.

THIRD:

That the allegation in the Complaint that
Aubrey Braswell, agent, servant or employee of the Defendant, The
Baldwin County Electric Membership Corporation, became aware of
Plaintiff's danger of being run into by the said truck which he
was driving is a conclusion of the pleader.


Attorneys for Defendants.

RECORDED

DEMURRER.

WALTER L. SCHWARZ,
Plaintiff,

VS.

BALDWIN COUNTY ELECTRIC
MEMBERSHIP CORPORATION
AND AUBREY BRASWELL,

Defendants.
RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

FILED SEPTEMBER 18, 1944.

TS Clucke
Clark.

LAW OFFICES

HYBART & CHASON

Bay Minette, Alabama

RECORDED

RECORDED

WALTER L. SCHWARZ,

Plaintiff,

VS.

BALDWIN COUNTY ELECTRIC
MEMBERSHIP CORPORATION AND
AUBREY BRASWELL,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Now come the Defendants and file this their additional grounds of demurrer Fourth and Fifth to the Complaint filed in said cause, which grounds are as follows:-

FOURTH:

It does not appear from the time that the defendant Aubrey Braswell became aware of plaintiff's danger of being run into by said truck that he had an opportunity to do anything to prevent the injury that plaintiff alleges that he received.

FIFTH:

From ought appearing from the Complaint the truck of Baldwin County Electric Membership Corporation was in such close proximity with the plaintiff's automobile at the time it is alleged that the defendant Aubrey Braswell became aware of the plaintiff's danger or peril that it would be impossible for said defendant to avoid the collision.

Walter L. Schwarz
Attorneys for Defendants.

RECORDED

DEMURRER.

WALTER L. SCHWARZ,
Plaintiff,

VS.

RECORDED

BALDWIN COUNTY ELECTRIC
MEMBERSHIP CORPORATION,
AND AUBREY BRASWELL,

defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

FILED SEPTEMBER 25, 1944.

[Signature]
Clerk.

LAW OFFICES
HYBART & CHASON
Bay Minette, Alabama

RECORDED