JOHN P. ACREMAN, JR., As Administrator of the Estate of John P. Acreman, Sr., Deceased, Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
MATTHEW JENKINS, Defendant.	)	AT LAW NO. 2067

PLEAS

Now comes the defendant, Matthew Jenkins, and for pleas to Count Seven of the complaint as last amended, assigns, separately and severally, the following:

1. Not guilty.

2. Plaintiff's intestate was, at the time and place alleged in the amended complaint, guilty of contributory negligence, which proximately contributed to his alleged injuries and death and which should prevent a recovery against the defendant, by the plaintiff in this suit, in that plaintiff's intestate voluntarily exposed himself to danger well known to him or which he should have known in the exercise of reasonable and ordinary care and prudence, in that he stood or remained in a dangerous place near the edge of the said highway and near a disabled motor truck which was parked or standing partly on the said paved highway when the automobile of Hartford Penn was being driven at a high rate of speed along the said highway and in the direction of the place where plaintiff's intestate was standing, with full knowledge that he was in a position of peril and danger from the said automobile of Hartford Penn and that as a proximate result of his so placing himself in said dangerous and perilous position, his body was struck or run upon or against by the said automobile of Hartford Penn, which was being driven by Charles Nichols, which said negligence directly contributed to the alleged injuries and death of plaintiff's intestate.

3. Plaintiff's intestate was, at the time and place alleged in the amended complaint, guilty of contributory negligence,

which proximately contributed to his alleged injuries and death, and which should prevent a recovery by the plaintiff in this suit against the defendant in that plaintiff's intestate sat or remained in the cab of a motor truck which was parked on the main traveled portion of the highway at the time and place alleged in the amended complaint and in the nighttime without lights burning thereon and in such manner that a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of said highway opposite such standing motor truck was not left open for free passage of other vehicles thereon.

FILED
9-2-54
ALICE J. BUSK, Clerk

J. B. Blackburn
James R. Cox
Attorneys for defendant.

PLEAS

2067

JOHN P. ACREMAN, JR.,
As Administrator of the Estate
of John P. Acreman, Sr.,
Deceased,

Plaintiff,

VS.

MATTHEW JENKINS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 2067

Filed 9-2-54
Aug. J. Nelk, Clerk

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

JOHN P. ACREMAN, JR., As Administrator of the Estate of John P. Acreman, Sr., Deceased, Plaintiff,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
VS.	)	AT LAW NO._____
MATTHEW JENKINS, CHARLES NICHOLS and HARTFORD PENN, Defendants.	)	

MOTION TO STRIKE

Now comes the defendant, Matthew Jenkins, and moves the court to strike counts Numbered 1 and 7 of the complaint as last amended, separately and severally, and as grounds of such motion assigns, separately and severally, the following:

1. The said count is irrelevant.
2. The said count is prolix.
3. The said count is frivolous.
4. The said count is unnecessarily repeated.

J. B. Blackburn

Joan R. Cary

Attorneys for defendant, Matthew Jenkins.

FILED

1-20-54

ALICE J. OUCK, Clerk

MOTION TO STRIKE

JOHN P. ACREMAN, JR., As Administrator of the Estate of John P. Acreman, Sr., Deceased,

Plaintiff,

VS.

MATTHEW JENKINS, CHARLES NICHOLS and HARTFORD PENN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

FILED

JUL 20 1954

ALICE J. DUCK, Clerk

JOHN P. ACREMAN, JR., As Administrator of Estate of John P. Acreman, Plaintiff	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
vs.	)	IN LAW. NO. 2067
MATTHEW JENKINS, Defendant	)	

Now comes the plaintiff, by his attorneys, and demurs to the Pleas Two and Three of the defendants answer, and assigns the following grounds, separately and severally:

1. That said Pleas are insufficient.
2. That said Pleas do not constitute a defense to this cause of action.
3. That Plea "2" fails to allege a breach of any duty owing from the plaintiff's intestate to the defendant Matthew Jenkins.
4. That said Pleas do not contain sufficient allegations of fact to constitute negligence as a matter of law.
5. That said Pleas fail to allege facts that show that the plaintiff's intestate was himself guilty of negligence which proximately contributed to his death.
6. That Plea "2" is repetitious.
7. That Plea "2" is prolix.
8. That said Pleas fail to allege a duty owing from the plaintiff's intestate to the defendant and a breach of that duty.
9. For ought that appears from the allegations contained in Plea "3" the plaintiff's intestate was a guest in the alleged truck.
10. That Plea "2" is immaterial.

CHASON & STONE

BY [signature]

[signature]

FILED
9-3-54
ALICE J. DUCK, Clerk

2067

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW. NO. 2067

****

JOHN P. ACREMAN, JR., As
Administrator of Estate of
John P. Acreman,

Plaintiff

vs.

MATTHEW JENKINS,

Defendant

****

DEMURRER

****

FILED 9-3-54

****

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

JOHN P. ACREMAN, JR., As Administrator of the Estate of John P. Acreman, Sr., Deceased, Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
MATTHEW JENKINS, Defendant.	)	AT LAW NO. 2067

PLEAS

Now comes the defendant, Matthew Jenkins, and for pleas to Count Seven of the complaint as last amended, assigns, separately and severally, the following:

1. Not guilty.

3. Plaintiff's intestate was, at the time and place alleged in the amended complaint, guilty of contributory negligence, which proximately contributed to his alleged injuries and death, and which should prevent a recovery by the plaintiff in this suit against the defendant in that plaintiff's intestate sat or remained in the cab of a motor truck which was parked on the main traveled portion of the highway at the time and place alleged in the amended complaint and in the nighttime without lights burning thereon and in such manner that a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of said highway opposite such standing motor truck was not left open for free passage of other vehicles thereon.

J. B. Blackburn

Tom R. [illegible]

Attorneys for defendant

Fall Term, September 13th, 1954

NO.	NAME	OCCUPATION	ADDRESS
1	George Garner, reserve flt., Stockton		
~~2~~	~~B. Gilbert, mechanic, Bay Minette~~		
~~3~~	~~Carol Bemis, fisherman, Bon Secour~~		
~~4~~	~~Max Davis, merchant, Foley~~		
5	James Nelson, fisherman, Bon Secour		
~~6~~	~~J. W. Nelson, mechanic, Daphne~~		
~~7~~	~~Arthur Clink, dairyman, Fairhope~~		
~~8~~	~~Charles Bishop, slaughter pen, Fairhope~~		
~~9~~	~~Elmer Kinsey, Jr., mechanic, Foley~~		
~~10~~	~~Jesse Burke, merchant, Fairhope~~		
11	Hiram C. Taylor, farmer, Bay Minette		
~~12~~	~~Clarence V. Dryer, pottery, Daphne~~		
13	Dorris Dukes, restaurant, Foley		
14	John R. Soesbe, mechanic, Foley		
~~15~~	~~Mutt Robertson, laborer, Robertsdale~~		
~~16~~	~~Roy Mahathy, defense, Stapleton~~		
~~17~~	~~Vincent J. Kline, garage owner, Fairhope~~		
18	A. G. Allegri, Jr., bookkeeper, Loxley		
~~19~~	~~Alton Crane, mechanic, Stockton~~		
~~20~~	~~Frank J. Leutner, clerk, Summerdale~~		
21	Einer Mikkelson, farmer, Summerdale		
~~22~~	~~O. O. Votova, farmer, Robertsdale~~		
~~23~~	~~Charlie Barnett, farmer, Gateswood~~		
~~24~~	~~Thomas K. Jackson, farmer, Daphne~~		
~~25~~	~~A. L. Craft, farmer, Daphne~~		
~~26~~	~~Pete Fulford, fisherman, Bon Secour~~		
~~27~~	~~A. W. Murrah, U. S. Govt., Bay Minette~~		
28	Carl F. Yenne, farmer, Point Clear		
29	Anthony Smith, bank clerk, Foley		
30	Chester Jones, Western Auto, Robertsdale		
~~31~~	~~Sherman E. Lemler, utilities mgr., Foley~~		
~~32~~	~~D. O. Stuart, auditor, Foley~~		
33	James T. Haden, salesman, Robertsdale		
~~34~~	~~Joseph Lyman, farmer, Lottie~~		
35	W. B. Culver, nursery, Bay Minette		
~~36~~	~~John A. Norris, farmer, Foley~~		

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23

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P. XXXXX XXX

D. XXXXX XXXX

No 2067
John P. Acremans
vs.
Matthew Jenkins

Hall 1954

JOHN P. ACREMAN, JR., As Administrator of the Estate of JOHN P. ACREMAN, SR., DECEASED,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA,
PLAINTIFF	)	AT LAW
VS	)	
MATTHEW JENKINS, CHARLES NICHOLS, AND HARTFORD PENN,	)	
DEFENDANTS	)	

Comes now the Defendants Charles Nichols and Hartford Penn in the above styled cause and files the following Pleas to Count 2, 3, and 4 as amended; Count 5 as last amended; and Count 6. The said Pleas being filed separately and severally to each of the aforesaid counts.

PLEA ONE

Not guilty.

PLEA TWO

The Plaintiff's intestate was guilty of negligence which contributed proximately to the injuries complained of in the complaint, in that at said time and place the Plaintiff's intestate negligently stayed at or near a truck parked partially or wholly on the highway described in the complaint. That this Accident occurred at night time.
That said truck had no lights burning nor were there any warning signals at or near the truck to indicate its presence or location. That the Plaintiff's intestate knew or should have known that a truck so parked at night time on a highway was a place of danger, in that wrecks, of the nature that did happen, are likely to happen as a result of this type of parking. The Defendants aver that the negligence of the Plaintiff's intestate proximately contributed to the Plaintiff's alleged damages.

Wilters & Brantley
By: Albert M Brantley
Attorneys for the Defendants,
Charles Nichols and Hartford
Penn.

FILED
3-10-54
ALICE J. BUCK, Clerk

Filed 3-10-54
Decree-[illegible]
Clerk

JOHN P. ACREMAN, JR., As Administrator of the Estate of John P. Acreman, Sr., Deceased, Plaintiff,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW. NO. 2067
VS.	)	
MATTHEW JENKINS, CHARLES NICHOLS and HARTFORD PENN, Defendants.	)	

PLEAS

Now comes the defendant, Matthew Jenkins, and for pleas to Counts One and Five of the complaint as last amended, separately and severally, assigns, separately and severally, the following:

1. Not guilty.

2. Plaintiff's intestate was, at the time and place alleged in the amended complaint, guilty of contributory negligence, which proximately contributed to his alleged injuries and death and which should prevent a recovery by the plaintiff in this suit, in that he voluntarily exposed himself to danger well known to him or which he should have known in the exercise of reasonable and ordinary care and prudence, in that he stood or remained in a dangerous place near the edge of the said highway and near a disabled motor truck which was parked or standing partly on the said paved highway when the automobile of the defendant, Hartford Penn, was being driven at a high rate of speed along the said highway and in the direction of the place where plaintiff's intestate was standing with full knowledge that he was in a position of peril and danger from the said automobile of the said defendant, Hartford Penn, and that as a proximate result of his so placing himself in said dangerous and perilous position, his body was struck or run upon or against by the said automobile of the said defendant, Hartford Penn, which was being driven by the said defendant, Charles Nichols, which said negligence directly contributed to the alleged injuries and death of plaintiff's intestate.

FILED
3-10-54
ALICE J. BUCK, Clerk

J. B. Blackburn
Attorneys for defendant, Matthew Jenkins

PLEAS

JOHN P. ACREMAN, JR.,
As Administrator of the Estate of
John P. Acreman, Sr., Deceased,

Plaintiff,

VS.

MATTHEW JENKINS, CHARLES NICHOLS
and HARTFORD PENN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 2067

Filed 3-10-54
Aerie Duck
clerk

DEMURRERS

JOHN P. ACREMAN, JR., AS ADMINISTRATOR OF THE ESTATE OF JOHN P. ACREMAN, SR., DECEASED,	◊	IN THE CIRCUIT COURT OF
	◊	BALDWIN COUNTY, ALABAMA,
PLAINTIFF	◊	AT LAW
VS	◊	NO. 2067
MATTHEW JENKINS, CHARLES NICHOLS AND HARTFORD PENN,	◊	
DEFENDANTS	◊	

Comes now the Defendants, Charles Nichols and Hartford Penn and demurs to Count Five as amended of the Complainant's complaint and to Count Six of said Complaint and files these demurrers to each of these counts, both separately and severally:

1.

The Plaintiff fails to apprise the Defendant of the place of the accident complained of; for ought appearing there are a number of Loxley to Daphne roads.

2.

The Plaintiff fails to apprise the Defendants of the place of the accident complained of; for ought appearing there are a number of Belforest Negro churches.

3.

That Defendant Matthew Jenkins was negligent in leaving parked or standing a motor vehicle in such a manner that less than fifteen feet of the main traveled portion of the said highway opposite his parked or standing motor vehicle free for the passing of other vehicles is but the conclusion of the pleader; for ought appearing fifteen feet is the total width of the Highway at this point.

4.

There is a misjoinder of parties defendants in this cause.

5.

This Count fails to show wherein all the defendants are jointly tortfeasors.

6.

This count fails to show a causal connection between the Defendants named therein.

7.

The Plaintiff fails to show wherein the negligence of the Defendants is concurring.

8.

That the negligence of the Defendants is concurring, is but the conclusion of the Pleader.

WILTERS & BRANTLEY

BY: Gilbert M. Brantley
Attorneys for the Defendants,
Charles Nichols and Hartford Penn.

FILED
2-9-54
ALICE L. BUCK, CLERK

2067

JOHN P. ACREMAN, JR., AS
ADMINISTRATOR OF THE ESTATE
OF JOHN P. ACREMAN, SR.,
DECEASED,

PLAINTIFF

VS

MATTHEW JENKINS, CHARLES
NICHOLS, AND HARTFORD PENN

DEFENDANTS

DEMURRERS

JOHN P. ACREMAN, JR., as Administrator for the Estate of John P. Acreman, Sr., Deceased, Plaintiff,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW NO. 2067
VS.	)	
MATTHEW JENKINS, CHARLES NICHOLS and HARTFORD PENNS, Defendants.	)	

DEMURRER

Now comes the Defendant, Matthew Jenkins, and demurs to the complaint as last amended in this cause and to each count thereof separately and severally, and as grounds therefor, assigns separately and severally the following:

1. It does not state a cause of action.

2. No facts are alleged to show concurring negligence of the three defendants.

3. No facts are alleged to show that the plaintiff's intestate was injured by the concurring negligence of the three defendants.

4. It affirmatively appears that there was no concurring negligence of the three defendants.

5. No facts are alleged to show concurring negligence of the three defendants which resulted in the injury to plaintiff's intestate.

6. Sufficient facts are not alleged to authorize the plaintiff to join the three defendants in one suit.

7. There is a misjoinder of causes of action.

8. It does not sufficiently appear wherein or how this defendant was guilty of negligence.

9. The averments of said complaint are vague, indefinite and uncertain.

10. The averments thereof are mere conclusions of the pleader.

11. The averments thereof are conflicting and repugnant.

12. For aught that appears, defendant owed no duty to the plaintiff.

13. For that it does not sufficiently appear what duty, if any, was owed by said defendant to the plaintiff.

14. For that the specific averments as therein set forth are insufficient to constitute negligence as a matter of law.

15. For that no casual connection appears between the defendant's alleged negligence and the injuries and damages complained or by the plaintiff.

16. For that it affirmatively appears that the plaintiff has no right to bring or maintain this action.

17. For that it affirmatively appears that the plaintiff has no cause of action against this defendant.

J. B. Blackburn

Jesse R. Owen

Attorneys for Defendant, Matthew Jenkins.

FILED
2-17-54
ALICE I. DUCK, Clerk

DEMURRER

JOHN P. ACREMAN, JR., as Administrator for the Estate of John P. Acreman, Sr., Deceased,

Plaintiff,

VS.

MATTHEW JENKINS, CHARLES NICHOLS and HARTFORD PENNS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 2067

Filed 2/7/80
[illegible]
[illegible]

JOHN P. ACREMAN, JR., As Administrator of the Estate of JOHN P. ACREMAN, SR., Deceased,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
MATTHEW JENKINS, CHARLES NICHOLS, and HARTFORD PENN,	)	AT LAW.
Defendants.	)	

Comes now the Plaintiff, by his attorneys, and amends "COUNT FIVE" of the amended complaint heretofore filed in this cause so that the same shall read as follows:

COUNT FIVE:

The Plaintiff claims of the Defendants, Matthew Jenkins, Charles Nichols, and Hartford Penn, the sum of Twenty-five Thousand Dollars ($25,000.00) as damages for that heretofore on, to-wit, December 20, 1952, in the nighttime, on the Loxley to Daphne Road, a public road in Baldwin County, Alabama, the Defendant, Matthew Jenkins, negligently left parked or standing a motor vehicle at a point approximately 2000 feet West of the Belforest Negro Church, in such a manner that left less than fifteen (15) feet of the main traveled portion of said highway opposite the said parked or standing motor vehicle free for the passing of other vehicles, it being practicable to park off said highway, and that at the same time and at the same place the Defendant, Charles Nichols, who was then and there an agent of the Defendant, Hartford Penn, while acting within the line and scope of his said agency so negligently operated a motor vehicle as to cause or allow the same to run into, upon or against the said motor vehicle of the Defendant, Matthew Jenkins, thereby causing the motor vehicle of the Defendant, Hartford Penn, which was then and there being operated by the Defendant, Charles Nichols, as aforesaid, to run into, upon or against the Plaintiff's intestate, John Acreman, Sr., and as a proximate result of the concurring negligence of the Defendants as aforesaid, the Plaintiff's intestate suffered great bodily harm from which he died, all to the damage of the Plaintiff as aforesaid; whereby the Plaintiff brings this suit and asks judgment in the above amount.

Comes now the Plaintiff, by his attorneys, and further amends the complaint heretofore filed in said cause by adding thereto "COUNT SIX" in the manner and form following:

COUNT SIX:

The Plaintiff claims of the Defendants, Matthew Jenkins, Charles Nichols, and Hartford Penn, the sum of Twenty-five Thousand Dollars ($25,000.00) as damages for that on heretofore, to-wit; December 20th, 1952, the Defendant, Matthew Jenkins, negligently left, parked or stopped a motor vehicle on the Loxley to Daphne Road, a public road in Baldwin County, Alabama, at a point approximately 2000 feet West of the Belforest Negro Church during the hours between a half hour after sunset and a half hour before sunrise, at, to-wit: 11:20 o'clock p.m., Central Standard Time, without the proper lights, torch or warning signal, and at the same time and at the same place the Defendant, Charles Nichols, who was then and there an agent of the Defendant, Hartford Penn, while acting within the line and scope of his said agency so negligently operated a motor vehicle as to cause or allow the same to run into, upon or against the said motor vehicle of the Defendant, Matthew Jenkins, thereby causing the motor vehicle of the Defendant, Hartford Penn, which was then and there being operated by the Defendant, Charles Nichols, as aforesaid, to run into, upon or against the Plaintiff's intestate, John Acreman, Sr., and as a proximate result of the concurring negligence of the Defendants as aforesaid, the Plaintiff's intestate suffered great bodily harm from which he died, all to the damage of the Plaintiff as aforesaid; whereby the Plaintiff brings this suit and asks judgment in the above amount.

Respectfully submitted,

Lamar Cowins, Jr.

and

CHASON & STONE

By: Melbourne S. Stone

Attorneys for Plaintiff.

FILED
2-13-54
ALICE J. BUCK, Clerk

2067

JOHN P. ACREMAN, JR., As Administrator of the Estate of JOHN P. ACREMAN, SR., Deceased,

Plaintiff,

vs.

MATTHEW JENKINS, CHARLES NICHOLS, and HARTFORD PENN,

Defendants.

****

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

****

AMENDMENT TO COMPLAINT

****

FILED
FEB 13 1954
ALICE A. BOECK, Register

DEMURRERS

JOHN P. ACREMAN, JR., AS ADMINISTRATOR OF THE ESTATE OF JOHN P. ACREMAN, SR., DECEASED,	◊	
	◊	IN THE CIRCUIT COURT OF
PLAINTIFF	◊	BALDWIN COUNTY, ALABAMA,
	◊	AT LAW
VS	◊	NO. 2067
MATTHEW JENKINS, CHARLES NICHOLS AND HARTFORD PENN,	◊	
DEFENDANTS	◊	

Comes now the Defendants, Charles Nichols and Hartford Penn, and demurs to Count Five of the Complainant's Complaint and for grounds of demurrers says:

1.

There is a misjoinder of parties defendants in this cause.

2.

This Count fails to show wherein all the defendants are jointly tort-feasors.

3.

This Count fails to show a causal connection between the Defendants named therein.

4.

The Plaintiff fails to show wherein the negligence of the Defendants is concurring.

5.

That the negligence of the Defendants is concurring, is but a conclusion of the Pleader.

WILTERS & BRANTLEY

BY: Hilbert M Brantley
Attorney for the Defendants,
Charles Nichols and Hartford
Penn

FILED
1-26-64
ALICE J. COCK, Clerk

JOHN P. ACREMAN, JR., AS
ADMINISTRATOR OF THE ESTATE
OF JOHN P. ACREMAN, SR.,
DECEASED,

PLAINTIFF

VS

MATTHEW JENKINS, CHARLES
NICHOLS AND HARTFORD PENN,

DEFENDANTS

DEMURRERS

JOHN P. ACREMAN, JR., as Administrator for the Estate of John P. Acreman, Sr., Deceased, Plaintiff,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
VS.	)	AT LAW NO. 2067
MATTHEW JENKINS, CHARLES NICHOLS and HARTFORD PENNS, Defendants.	)	

DEMURRER

Now comes the Defendant, Matthew Jenkins, and demurs to the amended complaint filed in this cause and to counts One and Four thereof separately and severally as grounds therefor, assigns separately and severally the following:

1. It does not state a cause of action.

2. No facts are alleged to show concurring negligence of the three defendants.

3. No facts are alleged to show that the plaintiff's intestate was injured by the concurring negligence of the three defendants.

4. It affirmatively appears that there was no concurring negligence of the three defendants.

5. No facts are alleged to show concurring negligence of the three defendants which resulted in the injury to plaintiff's intestate.

6. Sufficient facts are not alleged to authorize the plaintiff to join the three defendants in one suit.

7. There is a misjoinder of causes of action.

8. It does not sufficiently appear wherein or how this defendant was guilty of negligence.

9. The averments of said complaint are vague, indefinite and uncertain.

10. The averments thereof are mere conclusions of the pleader.

11. The averments thereof are conflicting and requgnant.

12. For aught that appears, defendant owed no duty to the plaintiff.

13. For that it does not sufficiently appear what duty, if any, was owed by said defendant to the plaintiff.

14. For that the specific averments as therein set forth are insufficient to constitute negligence as a matter of law.

15. For that no casual connection appears between the defendant's alleged negligence and the injuries and damages conplained or by the plaintiff.

16. For that it affirmatively appears that the plaintiff has no right to bring or maintain this action.

17. For that it affirmatively appears that the plaintiff has no cause of action against this defendant.

FILED
12-14-53
ALICE J. GUCK, Clerk

J. B. Blackburn
James R. Cox
Attorneys for defendant, Matthew Jenkins.

DEMURRER

JOHN P. ACREMAN, JR., as Administrator for the Estate of John P. Acreman, Sr., Deceased,

Plaintiff,

VS.

MATTHEW JENKINS, CHARLES NICHOLS and HARTFORD PENNS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 2067

JOHN P. ACREMAN, JR. As Administrator of the Estate of JOHN P. ACREMAN SR., Deceased,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
MATTHEW JENKINS, CHARLES NICHOLS, and HARTFORD PENN,	)	AT LAW
Defendants.	)	

Comes now the Plaintiff, by his attorneys, and amends the Complaint heretofore filed in this cause so that the same shall read as follows:

COUNT ONE:

The Plaintiff claims of the Defendant, Matthew Jenkins, the sum of Twenty-five Thousand Dollars ($25,000.00) as damages for that on, heretofore, to-wit: December 20, 1952, the Defendant so negligently operated a motor vehicle on the Loxley to Daphne Road, a public road in Baldwin County, Alabama, at a point approximately 2000 feet West of the Belforest Negro Church, as to cause or allow the same to collide with an automobile owned by the Defendant, Hartford Penn, which was then and there being operated by the Defendant, Charles Nichols, and as a proximate consequence and result of the negligence of the Defendant, Matthew Jenkins, aforesaid, the automobile of the Defendant, Hartford Penn, ran into, upon, over and against the Plaintiff's Intestate causing him great bodily injuries from which he died, all to the damage of the Plaintiff as aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendant, Hartford Penn, the sum of Twenty-five Thousand Dollars ($25,000.00) as damages for that heretofore, to-wit: December 20, 1952, the Defendant, Hartford Penn,

acting by and through his agent, the Defendant Charles Nichols, who was then and there acting within the line and scope of his said agency, so negligently operated a motor vehicle on the Loxley to Daphne Road, a public road in Baldwin County, Alabama, at a point approximately 2000 feet West of the Belforest Negro Church, as to cause or allow the same to run into, upon or against the Plaintiff's Intestate and as a proximate consequence and result of the said negligence of the Defendant, the Plaintiff's Intestate suffered great bodily harm from which he died, all to the damage of the Plaintiff as aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.

COUNT THREE:

The Plaintiff claims of the Defendant, Charles Nichols, the sum of Twenty-five Thousand Dollars ($25,000.00) for that on heretofore, to-wit: the 20th day of December, 1952, the Defendant so negligently operated a motor vehicle on the Loxley to Daphne Road, a public road in Baldwin County, Alabama, at a point approximately 2000 feet West of the Belforest Negro Church, as to cause or allow the same to run into, upon or against the Plaintiff's Intestate and as a proximate consequence and result of said negligence the Plaintiff's Intestate suffered great bodily harm from which he died, all to the damage of the Plaintiff as aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.

COUNT FOUR:

The Plaintiff claims of the Defendants, Charles Nichols and Hartford Penn, the sum of Twenty-five Thousand Dollars ($25,000.00) as damages for that on heretofore, to-wit: the 20th day of December, 1952, the Defendant, Charles Nichols, who was then and there an agent of the Defendant, Hartford Penn, while acting within the line and scope of his said agency so negligently operated a motor vehicle on the Loxley to Daphne Road, a public road in Baldwin County, Alabama, at a point approximately 2000 feet West of the Belforest Negro Church as to cause or allow said motor vehicle to run into, upon or against the Plaintiff's Intestate, John P. Acreman, Sr., and as a proximate

consequence and result of said negligence Plaintiff's Intestate suffered great bodily harm from which he died, all to the damage of the Plaintiff as aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.

COUNT FIVE:

Plaintiff claims of the Defendants, Matthew Jenkins, Charles Nichols and Hartford Penn, the sum of Twenty-five Thousand Dollars ($25,000.00) as damages for that on heretofore, to-wit: the 20th day of December, 1952, the Defendants, Matthew Jenkins and Hartford Penn, the latter acting by and through his agent, the Defendant, Charles Nichols, who was then and there acting in the line and scope of his said agency, and the Defendant, Charles Nichols, so negligently operated their motor vehicles on the Loxley to Daphne Road, a public road in Baldwin County, Alabama, at a point approximately 2000 feet West of the Belforest Negro Church, as to cause or allow the motor vehicle of the Defendant, Hartford Penn, which was then and there being operated by the Defendant, Charles Nichols, as the agent of the said Hartford Penn, and while acting within the line and scope of his agency as such, to run into, upon or against the Plaintiff's Intestate, John P. Acreman, Sr., and as a proximate consequence and result of the concurring negligence of the Defendants as aforesaid, the Plaintiff's Intestate suffered great bodily harm from which he died, all to the damage of the Plaintiff as aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.

Respectfully submitted,

J. Cannon Irwin, Jr.

and

CHASON & STONE

By: Mahone G. Stone
Attorneys for Plaintiff.

FILED
11-24-53
ALICE J. BUCK, Clerk

2067

JOHN P. ACREMAN, JR.
As Administrator of the
Estate of JOHN P. ACREMAN
SR., Deceased,

Plaintiff,

vs.

MATTHEW JENKINS, CHARLES
NICHOLS, and HARTFORD PENN,

Defendants.

****

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

****

AMENDED BILL OF COMPLAINT

****

FILED
NOV 24 1953
ALICE L. BUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

JOHN P. ACREMAN, JR., as Administrator for the Estate of John P. Acreman, Sr., Deceased,	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA,
VS	)	AT LAW
MATTHEW JENKINS, CHARLES NICHOLS, AND HARTFORD PENNS,	)	
DEFENDANTS	)	

Comes now Charles Nichols and Hartford Penns, Defendants in the above styled cause and moves the court to dismiss the Plaintiff's complaint and for grounds for this motion says:

The Plaintiff filed the above said complaint on to-wit, 21st August 1953. The Defendants, Charles Nichols and Hartford Penns filed demurrers thereto, these demurrers were argued orally before the court on, to-wit, October 21, 1953. These demurrers were sustained. A term of court has passed and the Plaintiff has failed to amend his complaint or plead further; hence this motion.

WILTERS & BRANTLEY

BY: Albert M. Brantley
Attorney for the Defendants, Charles Nichols and Hartford Penns.

FILED
11-17-53
ALICE J. BUCK, Clerk

2067

JOHN P. ACREMAN, JR., AS
Administrator for the Estate
of John P. Acreman, Sr.,
Deceased,

PLAINTIFF

VS.

MATTHEW JENKINS, CHARLES
NICHOLS, AND HARTFORD PENNS

DEFENDANTS

MOTION TO DISMISS

FILED
NOV 17 1953
ALICE L. DUCK, Register

JOHN P. ACREMAN, JR., as Administrator for the Estate of John P. Acreman, Sr., Deceased, Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
	)	AT LAW NO. 2067
MATTHEW JENKINS, CHARLES NICHOLS and HARTFORD PENNS, Defendants.	)	

DEMURRER

Now comes the defendant, Matthew Jenkins, and demurs to the complaint filed in this cause and as grounds therefor, assigns, separately and severally, the following:

1. It does not state a cause of action.

2. No facts are alleged to show concurring negligence of the three defendants.

3. No facts are alleged to show that the plaintiff's intestate was injured by the concurring negligence of the three defendants.

4. It affirmatively appears that there was no concurring negligence of the three defendants.

5. No facts are alleged to show concurring negligence of the three defendants which resulted in the injury to plaintiff's intestate.

6. Sufficient facts are not alleged to authorize the plaintiff to join the three defendants in one suit.

7. There is a misjoinder of causes of action.

8. It does not sufficiently appear wherein or how this defendant was guilty of negligence.

9. The averments of said complaint are vague, indefinite and uncertain.

10. The averments thereof are mere conclusions of the pleader.

11. The averments thereof are conflicting and repugnant.

12. For aught that appears, defendant owed no duty to the plaintiff.

13. For that it does not sufficiently appear what duty,

if any, was owed by said defendant to the plaintiff.

14. For that the specific averments as therein set forth are insufficient to constitute negligence as a matter of law.

15. For that no causal connection appears between the defendant's alleged negligence and the injuries and damages complained of by the plaintiff.

16. For that it affirmatively appears that the plaintiff has no right to bring or maintain this action.

17. For that it affirmatively appears that the plaintiff has no cause of action against this defendant.

FILED
10-9-53
JOE J. DUCK, Clerk

/s/ Thomas F. Parker

J. B. Blackburn and Donald R. Davis

Attorneys for defendant, Matthew Jenkins.

DEMURRER

JOHN P. ACREMAN, JR., as Administrator for the Estate of John P. Acreman, Sr.,

Plaintiff,

VS.

MATTHEW JENKINS, CHARLES NICHOLS and HARTFORD PENNS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 2067

FILED

OCT 9 1953

ALICE J. DUCK, Clerk

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

JOHN P. ACREMAN, JR., as Administrator for the Estate of John P. Acreman, Sr., Deceased,	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA,
VS	)	AT LAW
MATTHEW JENKINS, CHARLES NICHOLS AND HARTFORD PENNS,	)	NO. 2067
DEFENDANTS	)	

Comes now the Defendants, Charles Nichols and Hartford Penns, in the above styled cause and demurs to the Complainant's complaint and for grounds therefor says as follows:

1.

That said complaint does not state a cause of action.

2.

The complaint fails to allege wherein the Plaintiff has suffered any loss or damage from the death of John P. Acreman Sr.,

3.

The complaint fails to allege which of the Defendants' vehicle ran into John P. Acreman Sr.

4.

For ought appearing the Defendants Nichols and Penns were both driving the same automobile at the time of the alleged accident.

5.

From the complaint it cannot be determined whether the Defendants Nichols and Penss were driving the same automobile or were each driving an automobile.

6.

For ought appearing John P. Acreman Sr., was trespassing on private property at the time of the alleged accident.

7.

The complaint fails to allege or show any duty owed by the Defendants to the Plaintiff or how such duty was breached.

8.

The complaint is so general in its nature the defendants are unable to determine what they are called on to defend.

FILED
9-26-53
[illegible] Clerk

Wilters & Brantley,
by: Albert M Brantley
Attorneys for the Defendants, Charles Nichols and Hartford Penns.

2067

JOHN P. ACREMAN, JR., AS
ADMINISTRATOR FOR THE ESTATE
OF JOHN P. ACREMAN, SR., DECEASED,

PLAINTIFF

VS

MATTHEW JENKINS, CHARLES NICHOLS
AND HARTFORD PENNS

DEFENDANTS

DEMURRERS

Filed 9-26-73
Dec. J. Hauck
Clerk

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Matthew Jenkins, Charles Nichols, and Hartford Penns, 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 John P. Acreman, Jr., as Administrator for the Estate of John P. Acreman, Sr., Deceased.

Witness my hand, this 21st day of August, 1953.

Alice T. Warnke
CLERK

JOHN P. ACREMAN, JR., as Administrator for the Estate of John P. Acreman, Sr., Deceased,

Plaintiff

vs.

MATTHEW JENKINS, CHARLES NICHOLS, and HARTFORD PENNS,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW NO._____.

BOOK 001 PAGE 228

Plaintiff claims of the defendants, Matthew Jenkins, Charles Nichols, and Hartford Penns, the sum of TWENTY-FIVE THOUSAND DOLLARS ($25,000.00) as damages for that heretofore, to-wit:

On the night of December 20, 1952, one John P. Acreman, Sr., plaintiff's intestate was standing along the Baldwin County Road leading from Loxley, Alabama, to Daphne, Alabama, approximately 2000 feet West of the Belle Forest Negro Church, in Baldwin County, Alabama; that at the same time and at the same place, the defendant Matthew Jenkins, a resident of Baldwin County, was negligently managing, operating, handling or controlling a 1950 Ford pickup truck; that at the same time and the same place the defendants Charles Nichols and Hartford Penns were negligently operating, handling and controlling a 1952 Ford Victoria; that the said defendants, Matthew Jenkins, Charles Nichols, and Hartford Penns, so negligently managed, controlled, operated and handled their respective motor vehicles as that the same ran violently into and upon the said John P. Acreman, Sr., crushing his skull and fracturing his legs, and injured the said John P. Acreman, Sr., so that he died.

Plaintiff further avers that the injuries and death of the said John P. Acreman, Sr., was proximately caused by the combined negligence of the said defendants while operating their vehicles in the manner hereinbefore stated.

J. Conner Owens, Jr.
Attorney for the Plaintiff

Plaintiff demands a trial by Jury pursuant Code 1940, Title 7, Sec. 260.

J. Conner Owens, Jr.

FILED
8-21-53
ALICE J. DUCK, Clerk

this 21 day of Aug, 1953
TAYLOR WILKINS, Sheriff

Received _____ 19__
and served copy of within Summons and Complaint on

Matthew Jenkins 9-11-53
Hartford Penn 9-12-53
Charles Nichols 9-21-53

Taylor Wilkins Sheriff
by W. J. Walker Deputy Sheriff

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 2067.

JOHN P. ACREMAN, JR., as Administrator for the Estate of John P. Acreman, Sr., Deceased,

Plaintiff

vs.

MATTHEW JENKINS, CHARLES NICHOLS, and HARTFORD PENNS,

Defendants

SUMMONS AND COMPLAINT

FILED 8-21-53

Alice Kennedy
CLERK

J. Connor Owens, Jr.
Attorney at Law
Bay Minette, Alabama

JOHN P. ACREMAN, JR., As Administrator of the Estate of JOHN P. ACREMAN, SR., Deceased,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
MATTHEW JENKINS, CHARLES NICHOLS AND HARTFORD PENN,	)	AT LAW. NO. 2067
Defendants.	)	

Comes now the Plaintiff, by his attorneys, and amends the Complaint heretofore filed in the above styled cause by adding thereto Count Seven, as follows:

COUNT SEVEN:

The Plaintiff claims of the Defendant, Matthew Jenkins, the sum of Twenty-five Thousand Dollars ($25,000.00) as damages for that on, to-wit; the 20th day of December, 1952, the Defendant, Matthew Jenkins, so negligently operated a motor vehicle on the Loxley to Daphne Road, a public road in Baldwin County, Alabama, at a point approximately 2000 feet West of the Belforest Negro Church as to cause or allow said motor vehicle to run into, upon or against an automobile in which the Plaintiff's Intestate was a guest and as a proximate result of which negligence Plaintiff's Intestate suffered injuries from which he died, all to the damage of the Plaintiff as aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.

Respectfully submitted,

J. Connor Owens

J. Connor Owens

CHASON & STONE

By: Morborne C. Stone

Attorneys for Plaintiff.

FILED

3-11-54

ALICE J. BUCK, Clerk

JOHN P. ACREMAN, JR., As Administrator of the Estate of JOHN P. ACREMAN, SR., Deceased,

Plaintiff,

vs.

MATTHEW JENKINS, CHARLES NICHOLS AND HARTFORD PENN,

Defendants.

****

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. 2067

****

AMENDED COMPLAINT

****

File the foregoing Amended Complaint for the defendants

John P. Acreman Jr.

AMENDED PLEAS

JOHN P. ACREMAN, JR., as Administrator of the Estate of JOHN P. ACREMAN, SR., DECEASED,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA,
PLAINTIFF	)	AT LAW
VS	)	
MATTHEW JENKINS, CHARLES NICHOLS, AND HARTFORD PENN,	)	
DEFENDANTS	)	

Comes now the Defendants, Charles Nichols and Hartford Penn and amends the Pleas heretofore filed in this cause by adding the following Pleas:

PLEA 3.

The Plaintiff is not entitled to recover in this cause for that on the occasion complained of the Plaintiff's intestate was himself guilty of negligence which proximately contributed to said alleged injuries and damages complained about, in that he negligently placed himself in a position of danger in the night time by staying at or near a vehicle parked partly on the traveled portion of the highway described in the complaint at said time and place; that parked vehicle had no lights burning at or near it nor were there any warning signals at or near the said parked vehicle to indicate its presence or location; well knowing or in the exercising of ordinary care on said occasion said Plaintiff's intestate should have known or appreciated the fact that staying in the position he did at said time and place would result in danger to him from approaching automobiles upon or along said public highway, and as the proximate result of said intestate staying at or near the said vehicle parked as it was, on said highway, at said time and place complained of he was run upon or against by an automobile on said occasion, which said negligence of said intestate directly and proximately contributed to his death complained of.

PLEA 4.

The Plaintiff is not entitled to recover in this cause for that Plaintiff's intestate was himself guilty of negligence in voluntarily exposing himself to danger, well known to him or which should have been known in the exercise of reasonable and ordinary care and prudence on the occasion complained about, and placing himself as a proximate result of his negligence in a position

of danger in the night time by staying at or near a vehcile parked partly on the traveled portion of the highway described in the complaint at said time and place; that said parked vehicle had no lights burning at or near it nor were there any warning signals at or near the said vehicle to indicate its presence or location, with full knowledge that so to do would place him in a position of peril and danger from all on coming automobiles along said public highway, and as a proximate result of his so placing himself in said dangerous and perilous position on said publich highway his body was struck, or run upon or against by an automobile being driven by another on said occasion, which negligence aforesaid of Plaintiff's on the occasion complained about proximately and directly contributed tohis alleged injuries and death.

FILED
4-19-54
ALICE L. CHICK, CLERK

Wilters & Brantley

BY: Gilbert M Brantley
Attorney for the Defendants,
Charles Nichols and Hartford
Fehn.

2067

JOHN P. ACREMAN, JR., AS administrator of the Estate of John P. Acreman Sr., deceased,

Plaintiff

vs

Matthew Jenkins, Charles Nichols and Hartford Penn,

Defendants

AMENDED PLEAS

FILED
APR 19 1954
ALICE L. DUCK, Clerk

JOHN P. ACREMAN, JR., As Administrator of the Estate of JOHN P. ACREMAN, SR., Deceased,	)	
Plaintiff	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW. NO. 2067
MATTHEW JENKINS, CHARLES NICHOLS AND HARTFORD PENN,	)	
Defendants	)	

AMENDMENT TO COMPLAINT

Comes now the Plaintiff, by his attorney's, and amends the Complaint heretofore filed in this cause by striking Count One, Two, Three, Four, Five and Six and strikes Charles Nichols and Hartford Penn as party defendants therefrom.

CHASON AND STONE

BY _____

_____

FILED

7-28-54

ALICE J. BUCK, Clerk

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. No. 2067

****

JOHN P. ACREMAN, JR., As Administrator of the Estate of JOHN P. ACREMAN, SR., Deceased,

Plaintiff

vs.

MATTHEW JENKINS, CHARLES NICHOLS AND HARTFORD PENN,

Defendants

****

AMENDMENT TO COMPLAINT

****

FILED 7-28-54

Alice Hancock

****

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

JOHN P. ACREMAN, JR As Administrator of the Estate of JOHN P. ACREMAN, SR., Deceased. PLAINTIFF, VS MATTHEW JENKINS, CHARLES NICHOLS, and HARTFORD PENN, DEFENDANTS.	)))))))))	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW.

INTERROGATORIES PROPOUNDED BY

PLAINTIFF TO DEFENDANT, CHARLES NICHOLS.

Comes now the Plaintiff, John P. Acreman, Jr., as Administrator of the Estate of John P. Acreman, Sr., deceased, by his attorneys, an affidavit having been made by J. Connor Owens, Jr., one of the Attorneys of Record for the Plaintiff, propounds the following interrogatories to the Defendant, Charles Nichols:

1.

Please state your correct name.

2.

What is your age and residence?

3.

How long had you been driving an automobile on December 20, 1952?

4.

Were you operating a 1952 Ford Victoria, Alabama license tag 1953 #5-4110, on December 20, 1952, at about 11:20 p. m. at a point approximately 2000 feet West of the Belle Forest Negro Church, on the Loxley-Daphne road, in Baldwin County, Alabama?

5.

If you state that you were operating said automobile at said time and place, would you please state who the owner of the automobile was on that date, time and place, and attach a copy of the bill of sale or other evidence of ownership to the answer hereto.

6.

If you state that some person, firm or corporation held title to the automobile other than defendant, Hartford Penn, please state in whose possession, custody and control said automobile was prior to this accident.

7.

If your answer to Interrogatory Four was in the affirmative, please state who else, if anyone, was riding in said automobile with you at the time and place.

8.

If you state that Hartford Penn was riding, please state if this is the same person as the defendant, Hartford Penn.

9.

If your answer to Interrogatory Four is in the affirmative, please state whether or not you were involved in an accident at said time and said place.

10.

If your answer to Interrogatory Four was in the affirmative, state in which direction you were traveling.

11.

If your answer to Interrogatory Nine was in the affirmative, please state whether or not your automobile came into contact with any other motor vehicle.

12.

If your answer to Interrogatory Eleven was in the affirmative, please state in which direction the other motor vehicle was traveling, or if said vehicle was not moving, how said vehicle was standing.

13.

If your answer to Interrogatory Eleven was in the affirmative, please state how far were you from the other vehicle when said vehicle first came into view.

14.

If your answer to Interrogatory Eleven is in the affirmative, please state whether or not anyting prevented you from seeing the other vehicle.

15.

If your answer to Interrogatory Eleven is in the affirmative, please state what happened immediately after you struck the other vehicle.

J. Connor Owens, Jr.

AND

CHASON & STONE

By: Marlowe S. Stone
Attorneys for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before Madeline S. Bryan, a Notary Public, in and for said County in said State, personally appeared J. Connor Owens, Jr., who is known to me, and who, after being by me first duly and legally sworn doth depose and say as follows:

That his name is J. Connor Owens, Jr., and that he is one of the Attorneys of Record for John P. Acreman, Jr., as Administrator of the Estate of John P. Acreman, Sr., deceased, who is the Plaintiff in that certain action now pending in the Circuit Court of Baldwin County, Alabama, wherein Matthew Jenkins, Charles Nichols, and Hartford Penn are the Defendants. That the answer to the Interrogatories propounded above will be material testimony and evidence for the Plaintiff in said cause dated this 5th day of December, 1953.

J. Connor Owens, Jr.

Sworn to and subscribed before me this the 5th day of December, 1953.

Madeline S. Bryan
Notary Public.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. 2067

* * * * * * * * * * * * * * * * * *

JOHN P. ACREMAN, JR., As Administrator of the Estate of JOHN P. ACREMAN, SR., Deceased,

PLAINTIFF,

VS

MATTHEW JENKINS, CHARLES NICHOLS, and HARTFORD PENN,

DEFENDANTS.

* * * * * * * * * * * * * * * * * *

INTERROGATORIES PROPOUNDED BY PLAINTIFF TO DEFENDANT, CHARLES NICHOLS.

* * * * * * * * * * * * * * * * * *

FILED

DEC 7 1953

ALICE J. DUCK, Clerk

J. Connor Owens, Jr
Attorney At Law
Bay Minette, Alabama

I hereby accept service this 8th day of Dec. 1953.

Harry J. Wilters Jr.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. 2067

* * * * * * * * * * * * * * * * *

JOHN P. ACREMAN, JR., As Administrator of the Estate of JOHN P. ACREMAN, SR., Deceased,

PLAINTIFF,

VS

MATTHEW JENKINS, CHARLES NICHOLS, and HARTFORD PENN,

DEFENDANTS.

* * * * * * * * * * * * * * * * *

INTERROGATORIES PROPOUNDED BY PLAINTIFF TO DEFENDANT, CHARLES NICHOLS.

* * * * * * * * * * * * * * * * *

FILED

DEC 7 1953

ALICE J. DUCK, Clerk

J. Connor Owens, Jr
Attorney At Law
Bay Minette, Alabama

I hereby accept service this 8th day of Dec. 1953.

Harry J. Wilters Jr.

ANSWER TO INTERROGATORIES

JOHN P. ACREMAN, JR., AS ADMINISTRATOR OF THE ESTATE OF JOHN P. ACREMAN, SR., DECEASED,	)	
	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA,
	)	AT LAW
VS	)	NO. 2067
MATTHEW JENKINS, CHARLES NICHOLS AND HARTFORD PENN,	)	
DEFENDANTS	)	

Comes now the Defendant in the above styled cause and for answer to the interrogatories heretofore propounded by him by the Plaintiff says:

1. Charlie Nichols.

2. Twenty years old, Daphne, Alabama.

3. Four years.

4. No, it was earlier.

5. Hartford Penn. I have no evidence of ownership.

6.

7. This is a fishing question.

8.

9. Yes.

10. East.

11. Yes.

12. I hit two vehicles, both were stopped, both were facing East.

13. About 120 feet.

14. Their lights were off. My lights were on dim.

15. I got out of my car and looked at the wreck.

Charlie Nichols
Charlie Nichols.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, in and for said State and County personally appeared Charlie Nichols who being by me first duly sworn, deposes and says: That the answers herein made to the interrogatories propounded to him are true and correct.

Charlie Nichols
Charlie Nichols

Sworn to and subscribed before me this 20th day of January, 1954.

Albert M Brandey
Notary Public, Baldwin County, Alabama

2067

JOHN P. ACREMAN, JR., AS
ADMINISTRATOR OF THE ESTATE
OF JOHN P. ACREMAN, SR.,
DECEASED,

PLAINTIFF

VS

MATTHEW JENKINS, CHARLES
NICHOLS AND HARTFORD PENN

DEFENDANTS

ANSWER TO INTERROGATORIES

FILED
JAN 28 1954
ALICE L. BUCK, Clerk