

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

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. DUCK, Clerk

J. T. Blackburn  
John R. Co  
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  
J. B. Blackburn, 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,

VS.

MATTHEW JENKINS, CHARLES  
NICHOLS and HARTFORD PENN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. \_\_\_\_\_

### 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. Blashum*  
*John R. Oen*  
Attorneys for defendant, Matthew  
Jenkins.

FILED

7-20-54

ALICE I. GUCK, Clerk

MOTION TO STRIKE

JOHN P. ACREMAN, JR., As Admin-  
istrator 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

vs.

MATTHEW JENKINS,

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN LAW. NO. 2067

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

FILED

9-3-54

ALICE J. DUCK, Clerk

2067  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN LAW. NO. 2067

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

Plaintiff

vs.

MATTHEW JENKINS,

Defendant

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DEMURRER

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FILED 9-3-54

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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,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
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*

*Sam R. O...*

Attorneys for defendant



# Fall Term, September 13th, 1954

NO.	NAME	OCCUPATION	ADDRESS
1	George Garner	reserve flt.	Stockton
2	<del>B. Gilbert</del>	<del>mechanic</del>	<del>Bay Minette</del> 127
3	<del>Carol Bemis</del>	<del>fisherman</del>	<del>Bon Secour</del> 125
4	<del>Max Davis</del>	<del>merchant</del>	<del>Foley</del> 124
5	James Nelson	fisherman	Bon Secour
6	<del>J. W. Nelson</del>	<del>mechanic</del>	<del>Daphne</del> ✓
7	<del>Arthur Clark</del>	<del>dairyman</del>	<del>Fairhope</del> ✓
8	<del>Charles Bishop</del>	<del>slaughter pen</del>	<del>Fairhope</del> P1
9	<del>Elmer Kinsey, Jr.</del>	<del>mechanic</del>	<del>Foley</del> 123
10	<del>Jesse Burke</del>	<del>merchant</del>	<del>Fairhope</del> P7
11	Hiram C. Taylor	farmer	Bay Minette
12	<del>Clarence V. Dryer</del>	<del>pottery</del>	<del>Daphne</del> P3
13	Dorris Dukes	restaurant	Foley
14	John R. Soesbe	mechanic	Foley
15	<del>Mutt Roberson</del>	<del>laborer</del>	<del>Robertsdale</del> P2
16	<del>Roy Mahathy</del>	<del>defense</del>	<del>Stapleton</del> P1
17	<del>Vincent J. Kline</del>	<del>garage owner</del>	<del>Fairhope</del> ✓
18	A. G. Allegri, Jr.	bookkeeper	Loxley
19	<del>Alton Crane</del>	<del>mechanic</del>	<del>Stockton</del> P6
20	<del>Frank I. Leutner</del>	<del>clerk</del>	<del>Summerdale</del> ✓
21	Hiner Mikkelson	farmer	Summerdale
22	<del>G. O. Votova</del>	<del>farmer</del>	<del>Robertsdale</del> P5
23	<del>Charlie Barnett</del>	<del>farmer</del>	<del>Gateswood</del> P1
24	Thomas K. Jackson	farmer	Daphne ✓
25	<del>A. L. Craft</del>	<del>farmer</del>	<del>Daphne</del> ✓
26	<del>Pete Fulford</del>	<del>fisherman</del>	<del>Bon Secour</del> P8
27	<del>A. W. Murrain</del>	<del>U. S. Govt.</del>	<del>Bay Minette</del> P2
28	Carl F. Yenne	farmer	Point Clear
29	Anthony Smith	bank clerk	Foley
30	Chester Jones	Western Auto	Robertsdale
31	<del>Sherman F. Lemler</del>	<del>utilities mgr.</del>	<del>Foley</del> 156
32	<del>D. O. Stuart</del>	<del>auditor</del>	<del>Foley</del> ✓
33	James T. Haden	salesman	Robertsdale
34	<del>Joseph Liman</del>	<del>farmer</del>	<del>Lottie</del> 128
35	W. B. Culver	nursery	Bay Minette
36	<del>John A. Norris</del>	<del>farmer</del>	<del>Foley</del> P1

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P. XXXXX XX

Q. XXXXX XX

NO 2067  
John P. Acemanga  
vs.

Matthew Jenkins

Filed - 1954

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.

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.

Wiltors & Brantley

By:

*William M Brantley*  
Attorneys for the Defendants,  
Charles Nichols and Hartford  
Penn.

FILED

3-10-54

ALICE J. GUCK, Clerk

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JOHN P. ACREMAN, JR., )  
 As Administrator of the Estate )  
 of John P. Acreman, Sr., De- )  
 ceased, )

Plaintiff, )  
 VS. )

MATTHEW JENKINS, CHARLES )  
 NICHOLS and HARTFORD PENN, )

Defendants. )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. 2067

# 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. DUCK, Clerk

*J. B. Blackburn*

*Sam R. Jones*

Attorneys for defendant, Matthew Jenkins

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

MATTHEW JENKINS, CHARLES NICHOLS  
and HARTFORD PENN,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 2067

NO. 2067

Filed 3-10-54  
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## DEMURRERS

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

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 &amp; BRANTLEY

BY:

*Robert M. Brantley*

Attorneys for the Defendants,  
Charles Nichols and Hartford  
Penn.

FILED

2-9-54

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

DEMURRERS

FILED  
FEB 19 1954  
ALICE J. DUCK, 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  
AT LAW NO. 2067

#### 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 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

2-17-54

ALICE L. DUCK, Clerk

J. B. Blackburn  
James R. Owen

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

*Filed 2/17/50*  
*M. J. [illegible]*  
*[illegible]*

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.

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:

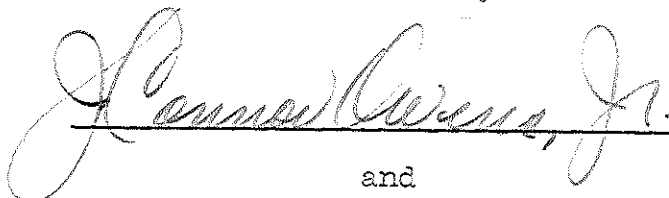
The Plaintiff claims of the Defendants, Matthew Jenkins, Charles Nichols, and Hartford Penn, the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages for that heretofore on, to-wit, December 20, 1952, in the nighttime, on the Loxley to Daphne Road, a public road in Baldwin County, Alabama, the 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,

  
and

CHASON & STONE

By:   
Attorneys for Plaintiff.

FILED

2-13-54

WILLIE J. DUCK, Clerk

2067

JOHN P. ACREMAN, JR., As Adminis-  
trator 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 1934  
ALICE L. BUCK, REGISTRAR

DEMURRERS

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

Ø  
Ø IN THE CIRCUIT COURT OF  
Ø BALDWIN COUNTY, ALABAMA,  
Ø  
Ø AT LAW  
Ø  
Ø NO. 2067

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 Court fails to show wherein all the defendants are jointly tortfeasors.

3.

This Court 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:

*Robert M Brantley*  
Attorney for the Defendants,  
Charles Nichols and Hartford  
Penn

FILED

1-26-64

ALICE J. DUCK, 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

FILED  
JAN 26 1954  
ALICE A. DUCK, Clerk

RECEIVED  
JAN 26 1954  
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  
  
 AT LAW NO. 2067

DEMURRER

Now comes the Defendant, Matthew Jenkins, and demurs to  
 the amended complaint filed in this cause <sup>to counts One and Two thereof</sup> 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 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

12-14-53

ALICE J. DUCK, Clerk

J. B. Blaskin

Sam R. Day

Attorneys for defendant, Matthew Jenkins.

RECORDED

NO. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 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2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 21

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

DEC 14 1953

ALICE A. 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

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 neg-  
ligently 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 De-  
fendant, 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:

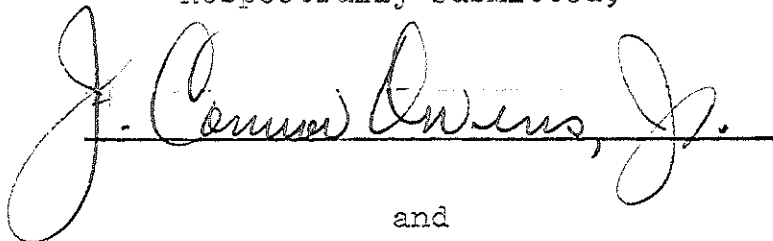
The Plaintiff claims of the Defendants, Charles Nichols and Hartford Penn, the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages for that on heretofore, to-wit: the 20th day of December, 1952, the Defendant, Charles Nichols, who was then and there an agent of the Defendant, Hartford Penn, 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.

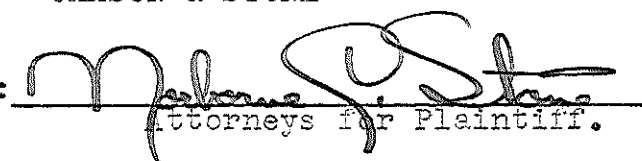
COUNT FIVE:

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,

  
and

CHASON & STONE

By:   
Attorneys for Plaintiff.

FILED

11-24-53

ALICE J. DUCK, Clera

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. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA



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

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:

*Charles M. Brantley*  
Attorney for the Defendants,  
Charles Nichols and Hartford  
Penns.

FILED

11-17-53

ALICE J. CUCK, 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 A. 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 L. DUCK, Clerk

13/ Thomas F. Parker

J. B. Blackburn and John R. Dyer

Attorneys for defendant, Matthew Jenkins.

DEMURRER

JOHN P. ACREMAN, JR., as Adminis-  
trator 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 L. 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,

PLAINTIFF

VS

MATTHEW JENKINS, CHARLES NICHOLS  
AND HARTFORD PENNS,

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 2067

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 Penns 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

WILLIAM J. GIBSON, Clerk

Witten & Brantley,

by: William 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  
Rec'd J. H. H. Clerk*

STATE OF ALABAMA

BALDWIN COUNTY

)  
)  
)

IN THE CIRCUIT COURT---IN LAW

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 2<sup>nd</sup> day of August, 1953.

Reice L. Wacker  
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. Connors Owens, Jr.  
Attorney for the Plaintiff

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

J. Connors Owens, Jr.

FILED

8-21-53

ALICE J. DUCK, Clerk

this 21 day of Aug, 1953  
TAYLOR WILKINS, Sheriff

Served \_\_\_\_\_ 19\_\_\_\_

Returning copy of within Summons at  
\_\_\_\_\_ complaint on \_\_\_\_\_

Matthew Jenkins 9-11-53

Hartford Penn 9-12-53

Charles Nichols 9-21-53

Taylor Wilkins  
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 8-1-53  
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., De-  
ceased,

Plaintiff,

vs.

MATTHEW JENKINS, CHARLES  
NICHOLS AND HARTFORD PENN,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

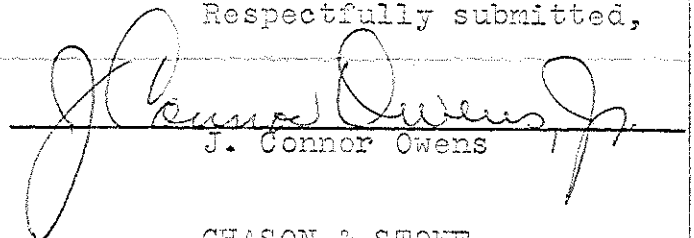
AT LAW. NO. 2067

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:

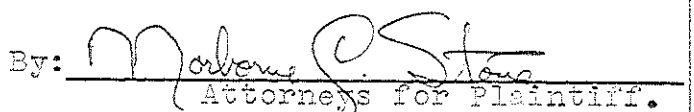
COUNT SEVEN:

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

CHASON & STONE

By:   
Attorneys for Plaintiff.

FILED

3-11-54

ALICE J. GUCK, Clerk

JOHN P. ACREMAN, JR., As Adminis-  
trator 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  
\*\*\*\*\*

Filed 3/11/54

W. H. H. H.

See the young  
find for the  
defendants

At Taylor

## AMENDED 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

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 appre-  
ciated 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 vehicle 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 public 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 to his alleged injuries and death.

FILED

4-19-54

ALICE L. CHICK, Clerk

Walters &amp; Brantley

BY:

*Robert M. Brantley*  
Attorney for the Defendants,  
Charles Nichols and Hartford  
Fehn.

2067

JOHN P. ACREMAN, JR., AS adminis-  
trator of the Estate of John P.  
Acreman Sr., deceased,

Plaintiff

vs

Matthew Jenkins, Charles  
Nichols and Hartford Penn,

Defendants

AMENDED PETAS

FILED

APR 19 1954

ALICE L. DUCK, Clerk

JOHN P. ACREMAN, JR., As  
Administrator of the Estate  
of JOHN P. ACREMAN, SR., De-  
ceased,

Plaintiff

vs.

MATTHEW JENKINS, CHARLES  
NICHOLS AND HARTFORD PENN,

Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW. No. 2067

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

*[Handwritten signature of Matthew Jenkins]*  
*[Handwritten signature of Charles Nichols]*

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., De-  
ceased,

Plaintiff

vs.

MATTHEW JENKINS, CHARLES  
NICHOLS AND HARTFORD PENN,

Defendants

\*\*\*\*\*

AMENDMENT TO COMPLAINT

\*\*\*\*\*

FILED 7-28-54

*Adm. J. Owens*

\*\*\*\*\*

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.

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§

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 anything 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: M. J. Stone  
Attorneys for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before Madeline L. Bynum, 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.

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

Madeline L. Bynum  
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 PROFOUNDED BY  
PLAINTIFF TO DEFENDANT, CHARLES  
NICHOLS.

\*\*\*\*\*

FILED

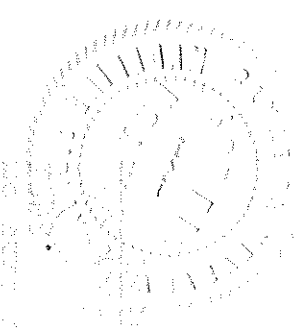
DEC 7 1953

ALICE J. DUCK, Clerk

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

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

*Ray J. Witten Jr.*



IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW, CASE NO. 1067

\*\*\*\*\*

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.

\*\*\*\*\*

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

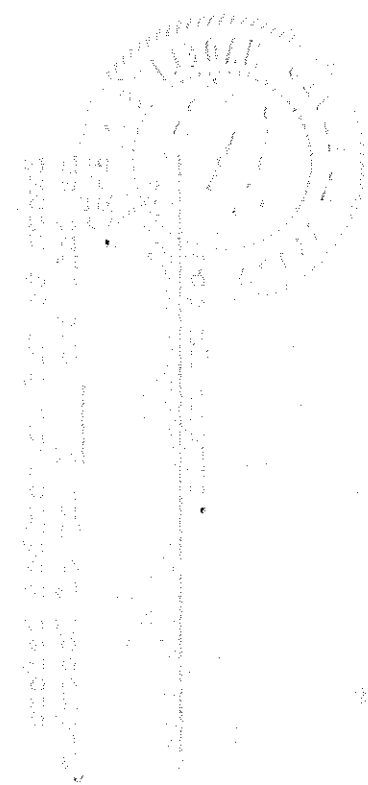
*Kary J. Witter Jr.*

FILED

DEC 7 1953

ALICE J. DUCK, Clerk

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



ANSWER TO INTERROGATORIES

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

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. Brander  
Notary Public, Baldwin County, 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

ANSWER TO INTERROGATORIES

FILED  
JAN 26 1954  
ALICE L. BUCK, Clerk

RETURN TO  
JAN 26 1954

Plaintiff's Answer to Interrogatories of Defendant's  
Matthew Jenkins, Charles Nichols and Hartford Penn  
The undersigned, being duly sworn, deposes and says that  
the following is a true and correct answer to the  
interrogatories of the undersigned, Matthew Jenkins,  
Charles Nichols and Hartford Penn, as set forth in  
the interrogatories of the undersigned, John P. Acreman, Jr.,  
as Administrator of the Estate of John P. Acreman, Sr.,  
deceased, filed in the above entitled cause on January 19, 1954.

Matthew Jenkins, Charles Nichols and Hartford Penn  
Plaintiffs

Subscribed and sworn to before me on January 19, 1954.

Notary Public for the State of Maryland