

HAROLD T. ACKERMAN

ATTORNEY AT LAW

827 FRANK NELSON BUILDING

BIRMINGHAM 3, ALABAMA

PHONE FA 3-7176

RES. AL 2-5627

November 27, 1959

4075

Miss Alice J. Duck
Circuit Clerk
Baldwin County
Bay Minette, Alabama

RE: Mrs. W.K. Hamilton, Sr.
VS Elwood R. Trichler

Dear Miss Duck:

Enclosed herewith is an original and one copy
of a Summons and Complaint and an original and
one copy of Interrogatories to the defendant.

I would appreciate it very much if you would
file these papers and indicate the case number
on the enclosed carbon copy.

Your kind cooperation in this matter is appre-
ciated.

Very truly yours,

Harold T. Ackerman
Harold T. Ackerman

HTA:aw

Enclosures:

VS

INTERROGATORIES TO DEFENDANT

1940, to-wit:

and business address.

type of work you were doing.

time of the accident made the basis of this suit.

the 19th day of May, 1959.

stated in the complaint? If not,

by which you may be sued.

the above styled cause.

acquaintance with the plaintiff.

5. Where were you living on, to-wit: May 19, 1959.

(a) How long have you lived at such address?

in on, to-wit: May 19, 1959.

on said date involve the operation of a motor vehicle on the

public highways of the State of Alabama?

(b) Were you engaged in the hauling of personal property by motor vehicle for hire on said date?

7. Describe completely and in detail the vehicle occupied or owned by you on the occasion of the accident made the basis of this suit, stating in your answer the make, year model and body style of this automobile.

(a) State the name and address of the owner of said motor vehicle on the date of said accident.

(b) State the name and address of the driver of said vehicle on said occasion.

(c) State by whom said motor vehicle had been purchased prior to said accident, and give the date of the purchase.

(d) How much was paid for said motor vehicle at the time of said purchase.

(e) How much money was paid for said motor vehicle and to whom was the money paid.

(f) Give the name and address of any other person who had any interest in said motor vehicle at the time of said accident and state the nature and extent of said interest.

8. State the number of persons occupying the motor vehicle in or on which you were operating at the time of the accident made the basis of this suit and state specifically how and in what manner said occupants were located in or on said vehicle on said occasion.

(a) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.

(b) From what point had you departed.

(c) What was your destination?

(d) Were you performing a mission, errand, or duty for anybody else? If so, state the name and address of the person, firm or corporation for whom you were performing it and the nature of the same.

(e) Give the name and address of each and every person who had any interest whatsoever in the trip you were making at said time, the nature of said interest, and the connection of said person with the trip.

(f) If you were not the occupant of the vehicle involved in said accident, but owned it, state the purpose of the trip on which it was engaged, and if same was in connection with your business or for your benefit.

9. Where were you located when you first saw the plaintiff's vehicle.

(a) Where was the plaintiff's vehicle located when first seen by you.

(b) Were there any other vehicles or physical objects which had anything to do with said accident made the basis of this suit.

(c) Where was the point of impact of said accident made the basis of this suit.

(d) Were there any skid marks leading up to the point of impact and from same by the motor vehicle in which you were operating.

(e) Were there any skid marks leading up to and from the point of impact by the motor vehicle being operated by the plaintiff.

10. State whether or not the accident made the basis of this suit occurred at an intersection of streets or avenues, and , if so, state.

(a) At what intersection of streets or avenues said accident occurred.

(b) Whether any buildings or objects were located within any of the four corners of the intersection which would obscure the vision of any person approaching the intersection.

(c) State how far, in your judgment, you could see to the left and right on each of the streets entering the intersection and down each of the intersecting streets when you approached from a point fifty feet from said intersection.

(d) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signals or controls faced.

(e) Describe the locus of said accident with reference to the contour of the lane, grade or curves of the road, highway or intersection, any physical structures located within two hundred feet of the same.

11. State where the plaintiff's motor vehicle was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.

(a) Did you see the plaintiff's motor vehicle before the actual occurrence of the collision?

(b) How many feet was the plaintiff's motor vehicle from the place of the impact when you first observed the same?

(c) How many feet were you from the point of impact when you first observed the plaintiff's vehicle?

(d) Where was the plaintiff's motor vehicle when you first entered the intersection with reference to the point of impact.

(e) Where was the plaintiff's motor vehicle with reference to the intersection when you first entered same?

(f) Describe the condition of all automatic traffic signal lights located in the intersection at the time each of said motor vehicles entered same on the occasion of the accident made the basis of this suit, stating the condition, if you know, of the color of the light which was facing the approaching driver.

(g) Where did the impact occur with reference to the centerline of the street on which plaintiff's vehicle was traveling.

(h) Where did the impact occur with reference to the right edge of the street on which plaintiff's vehicle was traveling?

(i) How far distant were you from the nearest intersection when the impact occurred.

12. State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the event that occurred leading up to same as seen by you.

(a) Describe each and everything done by you to avoid said accident.

(b) Describe each and everything that the driver of the plaintiff's vehicle failed to do to avoid the accident.

(c) Describe each and everything done by the plaintiff's driver which contributed to cause said accident.

(d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.

(e) Describe each negligent act or omission of the plaintiff on said occasion.

(f) Describe each act or omission by you on the occasion of the accident made the basis of this suit.

13. State whether or not any of the occupants in any of the vehicle involved in the accident made the basis of this suit was intoxicated or drinking intoxicants or intoxicating beverages at the time of said accident.

(a) Give the name and address of each of said persons who were drinking or who was intoxicated.

(b) State what each of said persons was drinking, where he or she had obtained same, the quantity or amount consumed and the time and the place where same was drunk.

14. State, according to your best judgment, the speed of the plaintiff's vehicle at the following points:

(a) When you first observed same prior to the accident made the basis of this suit.

(b) At a point 300 feet from the place where the impact occurred.

(c) At a point 100 feet from the place where the impact occurred.

(d) At a point 200 feet from the place where the impact occurred.

(e) At a point 50 feet from the place where the impact occurred.

(f) At a point 20 feet from the place where the impact occurred.

(g) At a point 10 feet from the place where the impact occurred.

(h) At the time immediately after the impact.

15. State in what direction and along what street or avenue each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident.

(a) State in your best judgment, the number of feet, the width of said streets or avenues or highways.

(b) If either of the vehicles involved in the accident made the basis of this suit were engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same, and with reference to the center-line of the street, avenue or highway, on which said motor vehicle had been traveling prior to said time.

16. State fully, specifically and in detail each and every act or thing done by you at the time of the accident made the basis of this suit during the last 100 feet of your vehicle's approach to the point of said collision, stating in your answer the chronological order in which said things or acts were done.

(a) Describe each change in the course of travel made by the plaintiff's vehicle immediately prior to said accident.

(b) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident herein sued on.

17. State whether or not the brakes on the vehicle driven by you at the time of the accident sued on were applied prior to the collision.

(a) If so, state in your best judgment the speed and miles per hour said vehicle was traveling at the moment the brakes were applied.

(b) State in your best judgment the distance and number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred.

(c) State in your best judgment the distance and number of feet said vehicle traveled from the moment the brakes were applied until it came to a stop after the occurrence of the accident made the basis of this suit.

18. State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other.

(a) Describe the portion which next came in contact with each other, after the initial impact.

19. State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to stop immediately thereafter.

(a) In what direction did each of said motor vehicles move from the point of said collision until they came to a stop.

(b) Describe each and every skid mark which led up to the point of collision.

(c) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.

(d) Locate the point where each motor vehicle came to rest in reference to the point of impact, the center of the intersection, the four corners of the same, and the right edge of the same street on which it had been traveling.

20. State the speed of the vehicle in which you were riding, or which you were driving, according to your best judgment at the following points:

(a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit.

(b) When you were within a distance of 200 feet from the point of impact in the accident made the basis of this suit.

(c) When you were within a distance of 100 feet from the point of impact in the accident made the basis of this suit.

(d) When you were within a distance of 50 feet from the point of impact in the accident made the basis of this suit.

(e) When you were within a distance of 25 feet from the point of impact in the accident made the basis of this suit.

(f) When you were within a distance of 10 feet from the point of impact in the accident made the basis of this suit.

(g) At the time of said impact in the accident made the basis of this suit.

(h) When you first observed the other vehicle involved in said accident.

21. State whether or not any horn or other signal was given as a warning by you or the operator of any of the vehicles involved in the accident made the basis of this suit prior to the time of collision.

(a) If so, describe each of said signals given by each respective driver specifically and in detail.

(b) State how far distant from the point of collision made the basis of this suit at the time said signal was given.

(c) If any signal for stopping or turning was given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact each signal was given by each driver respectively.

22. State whether or not there was any other vehicles at or near the scene of the accident at the time of and immediately prior to the occurrence of same.

(a) If so, state the number of such other vehicles and where they were located with reference to the point of the accident at the moment same occurred.

(b) State whether or not any of the other vehicles located at or near the scene of the accident played any part or contributed in any manner, to cause the collision made the basis of this suit.

(c) State the name and address of each driver or owner of said vehicles.

23. Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same.

(a) If so, state when, where and what was said by you.

(b) Did the operator of the plaintiff's vehicle make any statement in your presence following the occurrence of the accident, and if so, state when, where and what was said by said driver.

(c) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.

(d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred or who was present when any statements were made either by you or the driver of the plaintiff's motor vehicle following the occurrence of the accident.


Attorney for Plaintiff

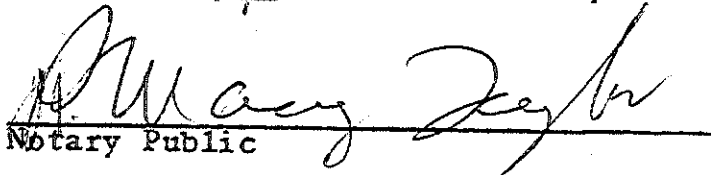
STATE OF ALABAMA 0

JEFFERSON COUNTY 0

Before me, the undersigned authority, in and for said county, in said state, this day personally appeared Harold T. Ackerman, who is known to me, and who being by me first duly sworn upon oath deposes and says that he is the attorney for the plaintiff in the above styled cause, and as such is authorized to make this affidavit; that the answers of the defendant to the foregoing interrogatories when well and truly made and filed will be material testimony for the plaintiff on the trial of this cause.


Attorney for Plaintiff

Sworn to and subscribed before me
on this the 27 day of November, 1959.


Notary Public

Received 28 day of Nov 1939
and on 1 day of Dec 1939
served a copy of the within
on Wood L. Trichler
by service on _____

TAYLOR WILKINS, Sheriff
W. L. Taylor

BY Taylor
TAYLOR WILKINS, Sheriff
DEPUTY SHERIFF

CASE NO. 4075

MRS. W.K. HAMILTON, SR.
PLAINTIFF
VS
ELWOOD R. TRICHLER,
DEFENDANT

INTERROGATORIES TO DEFENDANT

Harold T. Ackerman
Attorney for Plaintiff
Attorney at Law
827 Frank Nelson Building
Birmingham 3, Alabama

FILED

NOV 28 1939

ALICE J. DUCK, CLERK

on or about December 28, 1939, at Birmingham, Alabama, the defendant, Elwood R. Trichler, was arrested by the Sheriff of the County of Jefferson, Alabama, and taken to the Sheriff's Office at Birmingham, Alabama, where he was held in custody.

RECEIVED
JAN 10 1940

MRS. W. K. HAMILTON, SR., I IN THE CIRCUIT COURT OF
 Plaintiff, I BALDWIN COUNTY, ALABAMA,
 -VS- I AT LAW.
ELWOOD R. TRICHLER, I
 Defendant. I

P L E A S

Comes the Defendant, and for answer to the Plaintiff's Complaint offers the following Pleas.

TO COUNT ONE

PLEA ONE: Not guilty.

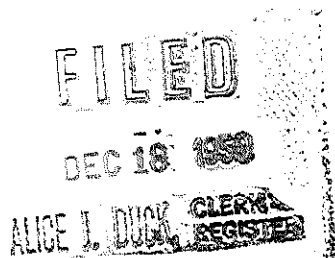
PLEA TWO: Further answering, the Defendant states that the damages complained of in Plaintiff's Complaint, if any, were caused by the carelessness and negligence of the Plaintiff, in that she failed to exercise due care for her own safety by being in the car without protest and allowing herself to be driven at an illegal rate of speed, to-wit, a speed of over thirty (30) miles per hour in the City of Foley, Alabama, where the legal rate, by municipal law, is thirty (30) miles per hour.


PLEA THREE: The Defendant states that the Plaintiff is guilty of contributory negligence which bars her right of recovery in that this accident took place in the City of Foley, Alabama, where, by Municipal Law, the highest lawful rate of speed was thirty (30) miles per hour, and the car in which the Plaintiff was driving just before the accident was going in excess of thirty (30) miles an hour, and notwithstanding the rate of speed at which the car was being driven, the Plaintiff failed to protest against said speed, and did not request the driver to cease driving at such an unlawful rate of speed, and negligently continued to ride in said car while being so negligently driven. And the Defendant further says that, as a direct and proximate result of the negligence of the driver in so driving said car at such an illegal and dangerous rate of speed the car collided with the Defendant's car causing the damages sustained by Plaintiff.

And that the negligence of the Plaintiff in fail-
ing to protest and object to the said driver's driving the
car in which she was riding at an illegal and dangerous rate
of speed as aforesaid, proximately contributed to the damages
and injuries sustained by the Plaintiff of which she complained.

TO COUNT TWO

PLEA ONE: Not guilty.




E. G. RICKARBY, Attorney
for Defendant.

40 84

MRS. W. K. HAMILTON, SR.,

Plaintiff,

-VS-

ELWOOD R. TRICHLER,

Defendant.

P L E A S

for Defendant
T. C. HICKMAN, Attorney
at Law
Tuscaloosa, Alabama

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

FILED: MAY 1934

TO COME IN

and injuries sustained by the plaintiff or any one combined
or charged as aforesaid; nor any person connected with the
case in any way and as aforesaid and defendant's wife
and to the plaintiff and the plaintiff's wife
and the defendant of the plaintiff in 1934

Page 2 of 2

MRS. W. K. HAMILTON, SR.,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
- VS -	I	BALDWIN COUNTY, ALABAMA,
ELWOOD R. TRICHLER,	I	AT LAW.
Defendant.	I	Case # 4075

ANSWERS TO INTERROGATORIES

Comes the defendant in the above styled cause, and in answer to the interrogatories propounded to him by the plaintiff, gives the following answers:

1. I am ELWOOD ROTHER TRICHLER, age, seventy-five (75) years, a resident of Foley, Alabama, and I am retired.
2. I was not working at that time.
 - (a) No.
3. I was involved in an accident on 19 May, 1959.
 - (a) My name is correctly stated in Complaint.
 - (b) See above.
4. I do not know MRS. W. K. HAMILTON, SR.
 - (a) See above.
5. I was living in Foley, Alabama, on May 19, 1959.
 - (a) I have lived there since about November, 1947.
6. I was not working or engaged in business on that date.
 - (a) See above.
 - (b) No.
7. At the time of the accident, I was driving my 1950 DeSoto Model 6 Four-Door Sedan.
 - (a) This was my car.
 - (b) I was driving.
 - (c) I purchased car from John Slavick on 10 July, 1957.
 - (d) Sixty and No/100 (\$60.00) Dollars.
 - (e) Sixty and No/100 (\$60.00) Dollars paid to John Slavick.
 - (f) I owned the car, absolutely.

8. At that time there were only two people in the car. I was in the driver's seat and my wife, Mrs. Trichler, was in the front right seat of the car.

(a) I had taken my grandson to the school bus and had just started to go to Foley with Mrs. Trichler to do some shopping.

(b) I left from my house on Michigan Avenue, about one-half or three-fourths mile East of Highway #59, in Foley, and had parked in Barnett's Grocery parking area at the Southwest intersection of Highway #59 and Michigan Avenue.

(c) We were proceeding to Foley to shop after taking my grandson to the bus.

(d) No.

(e) My wife, Lucretia Trichler, whose address is the same as mine, was going shopping with me for our groceries.

(f) I was the occupant of the vehicle.

9. I did not see Plaintiff's vehicle until after she hit me and I was on the East side of Highway #59, just north of Michigan Avenue at that time.

(a) I first saw Plaintiff's vehicle when she ran into a ditch on the West of Highway #59 after the accident.

(b) No.

(c) On Highway #59, north of the intersection of Michigan Avenue.

(d) No.

(e) I did not see any skid marks and know of none.

10. Yes.

(a) Accident occurred north of intersection of Michigan Avenue on Highway #59.

(b) There was a school bus which might have obscured plaintiff's vision.

(c) I was parked within fifty (50) feet of Highway #59 and could see about one-fourth mile in the direction from which the plaintiff was coming.

(d) Stop signs on the West and East of Highway #59 at Michigan Avenue, but I was not on Michigan Avenue.

(e) Flat country and no physical obstructions from where I was parked to obscure view one-fourth mile down highway of plaintiff's approach.

11. I did not see plaintiff's vehicle prior to the accident.

(a) No.

(b) I did not see plaintiff's car before accident.

(c) I did not see plaintiff's car before the accident.

(d) I did not see plaintiff's car prior to the accident.

(e) Same as (d). I did not enter on intersection.

(f) There are no signal lights at that point.

(g) Accident occurred East of center line of Highway #59.

(h) I was between the center line and the right edge of Highway #59.

(i) My car was on the right side of Highway #59, north of Michigan Avenue when plaintiff hit me.

12. I had come on Highway #59 from the West, just South of Michigan Avenue, and straightened out on the right side of Highway #59, and headed North when plaintiff's car hit me from the rear.

(a) I did not see it coming.

(b) Drive at a legal rate of speed and improperly applied her brakes so that her car skidded into my car.

(c) Speeded and applied brakes so as to cause a skid when pavement was wet and slippery.

(d) Nothing.

(e) See (b) above.

(f) None.

13. We were not intoxicated or drinking and I have no evidence of the other parties being so.

14. (a) Did not see her.

(b) Fifty-five miles per hour.

(c) Fifty miles per hour.

(d) Fifty-five miles per hour.

- (e) Fifty miles per hour.
- (f) Forty-five miles per hour.
- (g) Forty-two miles per hour.
- (h) Forty miles per hour.

This is my judgment from force of impact and police report.

15. Both vehicles were going North on Highway #59.

(a) Highway #59 was thirty (30) feet, Black-top.

(b) Plaintiff's car was driving North on Highway #59 and my car drove out of parking lot just South of Michigan Avenue and headed North on East side of center line of Highway #59, and had completed turn when hit.

16. I started my car in Barnett's Parking Area, about fifty (50) feet from Highway #59, looked North and South on Highway 59, and came into Highway 59, and headed North on the right hand side of Highway #59.

(a) I did not see her make any turn but as the rear end of her car skidded into the rear of my car, she must have turned left to avoid hitting me and skidded.

(b) I made no change of direction after I pulled into Highway #59.

17. No.

(a) I was driving about ten or fifteen miles per hour.

(b) See above.

(c) I do not remember applying brakes immediately after the accident. I brought car to stop at side of highway about one hundred thirty-five (135) feet from scene of accident.

18. The Plaintiff's rear, right hit the left rear of my car.

(a) None, she glanced off.

19. Plaintiff traveled one hundred thirty-five (135) feet from point of impact, and so did I.

(a) I ran North and to right, to get off pavement. Plaintiff went North to the left across road to left.

(b) I saw no skid marks.

(c) I saw no skid marks.

(d) Plaintiff came to rest Northwest of point of impact and left of left side of Highway #59. I came to rest North on right side of Highway #59.

20. (d) I started my car within fifty (50) feet of point of impact.

(e) Not over ten (10) miles per hour.

(f) Not over fifteen (15) miles per hour.

(g) Not over twenty (20) miles per hour.

(h) I did not see her until after the accident.

21. I did not sound my horn or hear her horn.

(c) She did not turn. I did not signal on turning into Highway #59 as I was not on Highway when I started turning.

22. Only a school bus.

(a) At the time the plaintiff's car hit my car, the school bus had started moving but I do not know where it was because I had started moving and I was not headed that way.

(b) Did not contribute to accident.

(c) Leo Donavan, driver of the school bus, R. R. #1, Foley, Alabama.

23. No.

(b) None I know of.

(c) Occupants of plaintiff's car; Leo Donavan, R. F. D. 1, Foley, Alabama; my wife and I whose addresses are given.

(d) The above and Mr. B. D. Cobb, Chief of Police, Foley, Alabama.

Elwood R. Trichler
ELWOOD R. TRICHLER

Subscribed and sworn to before me this the 27th day of January, 1960.

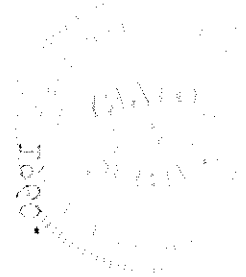
FILED

FEB 1 1960

ALICE J. DUCK, CLERK
REGISTER

Lillian K. Stephens
Notary Public, Baldwin County, Ala.

Presented and sworn to before me this 25th day of January,



Notary Public, State of Alabama

FILED
JAN 26 1934
BALDWIN COUNTY, ALA.
CLERK REGISTER

Police, Hotel, Vespene.

direct.

H. E. D. T. Hotel, Vespene; my wife and I were witnesses and

(1) Defendant of Defendant, see: The Defendant,

(2) None - know of.

SS. No.

H. E. D. T. Hotel, Vespene.

(1) The Defendant, driver of the school bus,

(2) The defendant is not known.

and.

In the presence of the school board and I was not present and
and the school bus was stopped during the I go not know where

Plaintiff,

-VS-

MRS. W. K. HAMILTON, SR.,
ELWOOD R. TRICHLER,
Defendant.

ANSWERS TO INTERROGATORIES

FILED
FEB
ALICE J. DUCK, CLERK REGISTER

of being of interest.

So (1) I appeared at the court with (20) last

month on right side of Highway #20.

of interest and left of left side of Highway #20. I came to see

(1) Defendant came to see Defendant of being

(2) I saw no other person.

(3) I saw no other person.

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

STATE OF ALABAMA 0 IN THE CIRCUIT COURT OF BALDWIN COUNTY,
BALDWIN COUNTY 0 ALABAMA - CASE NO. _____

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS:

You are hereby commanded to summon Elwood R. Trichler to appear before the Circuit Court of said county at the place of holding the same within thirty days of service of this process and then and there to answer the complaint of Mrs. W.K. Hamilton, Sr.

Witness my hand this 28 day of November, 1959.


Clerk

Nov 12-1-59

MRS. W.K. HAMILTON, SR.,

VS

ELWOOD R. TRICHLER,

PLAINTIFF

DEFENDANT

COUNT ONE

Plaintiff claims of the defendant the sum of TWENTY FIVE THOUSAND AND NO/100 (\$25,000.00) DOLLARS as damages for that heretofore on, to-wit: the 19th day of May, 1959, the plaintiff was a passenger in a 1953 Oldsmobile automobile which was being operated on, to-wit: Alabama State Highway 59 South at or near its intersection with Michigan Road in the city of Foley, Baldwin County, Alabama, and at said time and place the defendant negligently operated his 1950 DeSoto automobile by negligently running into, upon or against the automobile in which the plaintiff was riding as a passenger and as a proximate consequence thereof plaintiff was injured and damaged as follows:

Her head, face, and chin, were bruised, contused and lacerated; both knees were bruised, contused and lacerated; the knuckles on her left hand were bruised, contused and lacerated; her right hip was bruised and contused; her right elbow was bruised and contused; she suffered a brain concussion; her head, neck, arms, legs and other parts of her body were bruised, contused, strained, wrenched and sprained; plaintiff was made sick and sore for a long period of time; plaintiff was permanently injured; plaintiff was caused to suffer great physical pain and mental anguish; her nervous system was severely injured; she was

prevented from engaging in her usual pursuits for a long period of time; she was caused to be confined to the hospital for a long period of time; she was caused to be confined to her home and to bed for a long period of time; she was caused to incur great expense in and about procuring doctors, medicines and medical care in and about her efforts to heal and cure herself.

Plaintiff avers that all of her said injuries and damages were the proximate consequence of the negligence of the defendant in the operation of his said motor vehicle at said time and place.

COUNT TWO

Plaintiff claims of the defendant the sum of TWENTY FIVE THOUSAND AND NO/100 (\$25,000.00) DOLLARS as damages for that heretofore on, to-wit: the 19th day of May, 1959, the plaintiff was a passenger in a 1953 Oldsmobile automobile which was being operated on, to-wit: Alabama State Highway 59 South at or near its intersection with Michigan Road in the city of Foley, Baldwin County, Alabama, and at said time and place the defendant wantonly injured the plaintiff by wantonly driving his motor vehicle into, upon or against the motor vehicle in which the plaintiff was riding as a passenger and as a proximate consequence thereof plaintiff was injured and damaged as follows:

Her head, face, and chin, were bruised, contused and lacerated; both knees were bruised, contused and lacerated; the knuckles on her left hand were bruised, contused and lacerated; her right hip was bruised and contused; her right elbow was bruised and contused; she suffered a brain concussion; her head, neck, arms, legs and other parts of her body were bruised, contused, strained, wrenched and sprained; plaintiff was made sick and sore for a long period of time; plaintiff was permanently injured; plaintiff was caused to suffer great physical pain and mental anguish; her nervous system was severely injured; she was prevented from engaging in her usual pursuits for a long period of time; she was caused to be confined to the hospital for a long period of time; she was caused to be confined to her home and to bed for a long period of time; she was caused to incur great expense in and about procuring doctors, medicines, and

medical care in and about her efforts to heal and cure herself.

Plaintiff avers that all of her said injuries and damages were the proximate consequence of the wantonness of the defendant in the operation of his said motor vehicle at said time and place.

Ronald L. Ackerman
Attorney for Plaintiff

For trial of this cause plaintiff demands trial by jury.

Ronald L. Ackerman
Attorney for Plaintiff

FILED

NOV 28 1959

Alice I. Duck, CLERK
REGISTER

CASE NO. 4075

MRS. W. K. HAMILTON, SR.

PLAINTIFF

VS

ELWOOD R. TRICHLER,

DEFENDANT

SUMMONS AND COMPLAINT

Plaintiff's address:
2813 North 31st Avenue
Birmingham 7, Alabama

Defendant's address:
Route 3
Foley, Alabama

Harold T. Ackerman
Attorney for Plaintiff
827 Frank Nelson Building
Birmingham 3, Alabama

FILED

NOV 29 1957

ALICE J. DUCK, CLERK
REGISTER

Received 28 day of Nov 1957
and on 1 day of Nov 1957
served a copy of the within Order
on Elwood R. Trichler
by service on _____

TAYLOR WILKINS, Sheriff
By Barbara Duck D. S.

Sheriff claims 72 miles of
Two Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY Barbara Duck
DEPUTY SHERIFF