

CORNELIA CRESTMAN, a minor
by her father and next friend,
John A. Crestman,

Plaintiff,

VS.

HUBERT HARVILLE and ARTHUR L.
HARVILLE, JR.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

4/6/50

AMENDMENT TO COMPLAINT

Now comes the Plaintiff in the above styled cause and amends the complaint heretofore filed in said cause by adding thereto the following:

COUNT THREE

The Plaintiff claims of the Defendant, Hubert Harville, FIFTEEN THOUSAND DOLLARS (\$15,000.00) as damages for that heretofore and on to-wit, January 30, 1959, at a point on United States Highway 31 at a point to-wit, two miles north of Stapleton, Alabama, in Baldwin County, Alabama, an agent, servant or employee of the Defendant, Hubert Harville, while the said agent, servant or employee was acting within the line and scope of his employment as such agent, servant or employee did so negligently operate an automobile so as to cause the same to run into, upon and against the automobile in which the Plaintiff was riding as a passenger upon the said Highway 31, a public road in Baldwin County, Alabama, and as a direct and proximate result of the negligence of the Defendant's agent, servant or employee, as aforesaid, the Plaintiff was injured in that she was made sick, lame and sore, she sustained contusions and lacerations and abrasions about her body, her left leg was broken, she was caused to suffer great physical pain and mental anguish and she has been permanently injured and will be caused to suffer pain in the future, all for which she sues.

LEON DUKE and JAMES R. OWEN,
Attorneys for Plaintiff,

FILED

SEP 11 1961

ALICE J. DUCK, CLERK
REGISTER

By 

CORNELIA CRESTMAN, a minor
by her father and next friend,
John A. Crestman,

Plaintiff,

VS.

HUBERT HARVILLE and ARTHUR L.
HARVILLE, JR.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

AMENDMENT TO COMPLAINT

Now comes the Plaintiff in the above styled cause and amends the complaint heretofore filed in said cause by adding thereto the following:

COUNT FOUR

The Plaintiff claims of the Defendant, Hubert Harville, FIFTEEN THOUSAND DOLLARS (\$15,000.00), as damages for that heretofore and on to-wit, January 30, 1959, at a point on United States Highway 31 at a point to-wit, two miles north of Stapleton, Alabama, in Baldwin County, Alabama, the Defendant, Hubert Harville, did so negligently operate an automobile so as to cause the same to run into, upon and against the automobile in which the Plaintiff was riding as a passenger upon the said Highway 31, a public road in Baldwin County, Alabama, and as a direct and proximate result of the Defendant's negligence as aforesaid, the Plaintiff was injured in that she was made sick, lame and sore, she sustained contusions and lacerations and abrasions about her body, her left leg was broken, she was caused to suffer great physical pain and mental anguish and she has been permanently injured and will be caused to suffer pain in the future; all for which she sues.

LEON DUKE and JAMES R. OWEN,
Attorneys for Plaintiff,

By 

FILED

SEP 14 1961

ALICE J. DUCK, CLERK
REGISTER

CORNELIA CRESTMAN, A Minor,
by her father and next friend,
JOHN A. CRESTMAN,

Plaintiff,

Vs

HUBERT HARVILLE and ARTHUR L.
HARVILLE, JR.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

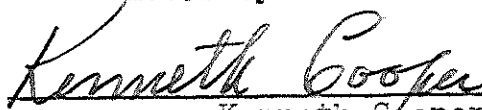
AT LAW

Comes now Hubert Harville and Arthur L. Harville, Jr., Defendants in the above styled cause and offers the following separate and several demurrers to the Plaintiff's Complaint and to each and every count thereof:

1. The Complaint nor either count thereto does not state a cause of action.
2. The Complaint nor either count thereto does not state a cause of action against the Defendant Hubert Harville.
3. The Complaint nor either count thereto does not state a cause of action against the Defendant Arthur Harville, Jr.
4. The Complaint nor either count thereto state no cause which would authorize the Plaintiff to recover from the Defendants.
5. The Complaint does not allege who owned the automobile which is alleged to have "run into, upon and against the automobile in which the Plaintiff was riding as a passenger".
6. The Complaint nor either count thereto does not allege how, or the manner in which, the Plaintiff was permanently injured.
7. The Complaint nor either count thereto does not allege that the Defendant Arthur L. Harville, Jr., wrongfully, wilfully or illegally operated a motor vehicle.



E. G. Rickard
Attorney for Defendants.



Kenneth Cooper
Attorney for Defendants

The Defendants demand
a trial by jury.



Attorney for Defendants



Attorney for Defendants

FILED

APR 19 1961

ALICE I. DUCK, CLERK
REGISTER

Jan

4650

Cornelia Crestman

Report for Defendant
Cornelia Crestman
Appeared for Defendant
at trial on Jan. 1961
The Defendant coming

Report for Defendant
Cornelia Crestman
Appeared for Defendant
at trial on Jan. 1961
The Defendant coming

of defendant's conduct is not known.

that the Defendant admits to having been in possession of the

1. The complaint was signed by the Defendant and the

now on the record in which the Defendant was found guilty of
2. The complaint was signed by the Defendant and the

which is signed by the Defendant and the

3. The complaint was signed by the Defendant and the

4. The complaint was signed by the Defendant and the

5. The complaint was signed by the Defendant and the

6. The complaint was signed by the Defendant and the

7. The complaint was signed by the Defendant and the

8. The complaint was signed by the Defendant and the

9. The complaint was signed by the Defendant and the

FILED
FEB 19 1961
ALICE J. DUCK, CLERK
REGISTERED

10. The complaint was signed by the Defendant and the

11. The complaint was signed by the Defendant and the

E. G. RICKARBY

392 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA

April 19, 1961

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Inre: Crestman vs. Harville
Our File: 4838

With this we are handing you demurrers in the above
styled cause.

Please process, and oblige.

Yours very truly,



EGR/ts
Encl.
cc: (dup) Mr. Parker

LAW OFFICES
E. G. RICKARBY
392 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA

September 5, 1961

~~Mrs. Alice Duck~~
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Crestman vs. Harville
Case No. 4650

Enclosed find original and two copies of Pleas in the
above styled cause.

Request you please mail a copy to both attorneys of
record, Messrs. James R. Owen and Leon Duke, and oblige.

Yours very truly,



ts

encl.

cc: Mr. Kenneth Cooper

70.4650

JURY LIST FALL TERM - SEPTEMBER 11, 1961

Cornelia Creston

15

Hubert Harville

1. Cooper, Crady, Farmer, Elseanor
2. Conway, Roscoe, Brookley Field, Bay Minette
3. Crotwell, Alfred, Carpenter, Gulf Shores
4. Kennedy, J.C., Ins. Agent, Bay Minette
5. Kinnard, B.B., Clerk, Bay Minette
6. Lazzari, A.V., Jr., Farmer, Elforest
7. Lee, Herbert, Florist, Robertsdale
8. Leitterman, Atnon, Farmer, Elberta
9. Lenz, William, Civil Service, Elberta
10. McMillan, Raymond N., Farmer, Stockton
11. Mothershead, George J., Farmer, Bay Minette
12. Nail, Wilber C., Farmer, Gulf Shores
13. Nelson, Clarence A., Merchant, Fairhope
14. Nelson, James H., Ship Carpenter, Gulf Shores
15. Nix, Herbert, Brookley Field, Bay Minette
16. Norsworthy, John C., Clerk, Bay Minette
17. Osborne, W.A., Civil Service, Foley
18. Page, Glenn A., Insurance, Bay Minette
19. Mitchell, White, Clerk, Bay Minette
20. Yarbrough, Leon, Forester, Bay Minette
21. Bryars, Charles Henry, Jr., Farmer, Stockton
22. Gasteel, Jim, Laborer, Elseanor
23. Harrison, Bibb, Farmer, Fairhope
24. Hedge, Langston, Chemist, Bay Minette
25. James, Lonnie, Salesman, Bay Minette
26. Golden, David, Jr., Merchant, Foley
27. Grantham, Donald R., Farmer, Mag. Spgs.
28. Griffith, Jack, Shipyard, Fairhope
29. Hammond, Cecil C., Trk. Oper., Bay Minette
30. Harris, Guy H., Merchant, Foley
31. Ellison, W.V., Farmer, Robertsdale
32. Eslava, Paul, Farmer, Mag. Spgs.,
33. Godwin, Dewey C., Mechanic, Bay Minette
34. Day, Gladden, Salesman, Bay Minette
35. ~~Conner, W. Daniel, Bay Minette~~
36. Duffee, Kenneth, Brookley Field, Stockton
37. Duck, Davis, Farmer, Bay Minette
38. Patterson, Earnest, Farmer, Rosinton
39. Prine, Julian C., Ins., Bay Minette
40. Rieben, Albert, School Bus Mechanic, Bay Minette
41. Rieben, Ray, Paper Mill, Bay Minette
42. Simms, R.J., Hardware, Belforest
43. Thieme, W.H., Foreman, Foley
44. Topp, Henry, Clerk, Foley
45. Vines, Mack, Clerk, Bay Minette
46. Weeks, Elliot, Mechanic, Mag. Spgs.
47. Weeks, Sydney, Farmer, Mag. Spgs.
48. Coleman, James A., Restaurant Oper., Gulf Shores
49. Boan, Jessie Forest, Farmer, Stapleton
50. Bodden, C.A., Ala. Power Co., Bay Minette
51. Brantley, E.R., Contractor, Bay Minette

R XXXXX XXXXX XY

D XXXXX XXXXX XI

CORNELIA CRESTMAN, A Minor
by her Father and Next Friend,
John A. Crestman,

Plaintiff,

Vs

HUBERT HARVILLE and ARTHUR L.
HARVILLE, JR.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

Case No. 4650

PLEAS

Come now the Defendants in the above styled cause and for
answer to the Plaintiff's Complaint and to Count One and Two
thereof, say:

ONE:

The defendants for answer to the said complaint say that they
are not guilty of the matters therein alleged.

TWO:

The defendants aver that the allegations of the Complaint are
untrue.


THREE:

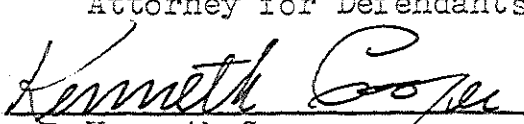
THE General issue.

Attorneys of Record
for Plaintiff:

Hon James R. Owen
Attorney at Law
Bay Minette, Alabama

Hon Leon Duke
Attorney at Law
1st National Bank Building
Mobile, Alabama


E. G. Rickarby,
Attorney for Defendants


Kenneth Cooper
Attorney for Defendants

FILED

SEP 27 1961

ALICE L. DUCK, CLERK
REGISTER

4650

we the jury find
for the plaintiff the
sum of \$500.00
charging the defendant
Hubert Harville

Gladys Day
Foreman

JOHN T. O'BRIEN,
Attorney at Law,
for Plaintiff and Jury Foreman,
OF HENRY COUNTY, TENN.

Subscribed:

As

JOHN T. O'BRIEN,
Attorney at Law,
for Plaintiff and Jury Foreman,
OF HENRY COUNTY, TENN.

Subscribed:

JOHN T. O'BRIEN

THE COURT REPORTER

RECORDED FOR DEPOSIT
J. C. HARRIS
J. C. HARRIS
J. C. HARRIS

FOR DEPOSIT
J. C. HARRIS

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FOR DEPOSIT
J. C. HARRIS

120

CORNELIA CRESTMAN, a minor,
by her father and next friend,
JOHN A. CRESTMAN,

Plaintiff,

VS.

HUBERT HARVILLE and ARTHUR L.
HARVILLE, JR.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

INTERROGATORIES PROPOUNDED BY THE PLAINTIFF
TO THE DEFENDANT, HUBERT HARVILLE

Now comes the Plaintiff and propounds the following
interrogatories to the Defendant, Hubert Harville:

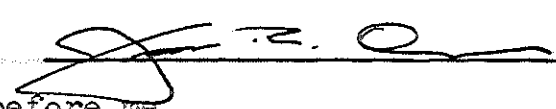
1. State your full name, age and place of residence.
2. Where were you living on January 30, 1959?
3. On January 30, 1959, were you the owner of a 1955 Ford Sedan, Motor Number U5AG114128 with a 1959 Alabama license tag number 5-10654?
3. If you state that you were the owner of said automobile, who had possession of said automobile on January 30, 1959?
4. If you state that Arthur L. Harville, Jr., had possession of the said automobile on January 30, 1959, please state whether or not he had your permission to drive the said automobile on that date.
5. If you state that Arthur L. Harville, Jr., had possession of the said automobile on January 30, 1959, please state the period of time which he had the automobile in his possession and when it was taken from his possession.
6. Please state your whereabouts at 11:20 o'clock P. M. on January 30, 1959.


Attorney for Plaintiff

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for
said County in said State, personally appeared James R. Owen, who

first being duly and legally sworn deposes and says that he is one of the attorneys for the Plaintiff in the above styled cause; that the answers to the foregoing interrogatories when truthfully made will be material evidence for the Plaintiff in the trial of this cause.


Sworn to and subscribed before me
on this the 21st day of August, 1961.

Ernestine R. Sims
Notary Public, Baldwin County, Alabama

FILED
AUG 21 1961
ALICE J. DUCK, CLERK
REGISTER

*I hereby accept service
the 28th day of August, 1961*

Kenneth Cooper

CORNELIA CRESTMAN, a minor,
by her father and next friend,
JOHN A. CRESTMAN,

Plaintiff,

VS.

HUBERT HARVILLE and ARTHUR L.
HARVILLE, JR.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

INTERROGATORIES PROPOUNDED BY THE PLAINTIFF
TO THE DEFENDANT, ARTHUR L. HARVILLE, JR.

Now comes the Plaintiff and propounds the following
interrogatories to the Defendant, Arthur L. Harville, Jr.:

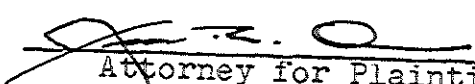
1. Please state your full name, age and place of residence.
2. Where were you residing on January 30, 1959?
3. What was your employment on January 30, 1959?
4. Please state your whereabouts at 9:00 o'clock P. M. on January 30, 1959, and give the name of any person in your company at that time.
5. Please state your whereabouts at 10:00 o'clock P. M. on January 30, 1959, and give the name of any person in your company at that time.
6. Please state your whereabouts at 11:00 o'clock P. M. on January 30, 1959, and give the name of any person in your company at that time.
7. Please state your whereabouts at 12:00 o'clock P. M. January 30, 1959, and give the name of any person in your company at that time.
8. On January 30, 1959, did you have in your possession a 1955 Ford Sedan Motor Number U5AG114128 bearing Alabama license tag for the year 1959 number 5-10654.
9. If your answer to the preceding interrogatory is yes, please state the name of the owner of the said automobile on January 30, 1959.

10. If you state that you had the said automobile in your possession on January 30, 1959, please state where the said automobile was on that date.

11. If you state that you had the said automobile in your possession on January 30, 1959, please state whether or not you drove the said automobile on that date.

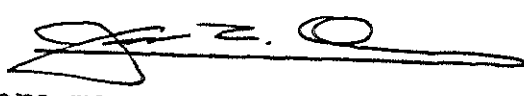
12. If you state that you had the said automobile in your possession on January 30, 1959, please state whether or not anyone drove the said automobile on that date, if you know.

13. If you state that you had the said automobile in your possession on January 30, 1959, please state whether or not you had the ignition keys to the said automobile.


Attorney for Plaintiff

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared James R. Owen, who first being duly and legally sworn deposes and says that he is one of the attorneys for the Plaintiff in the above styled cause; that the answers to the foregoing interrogatories when truthfully made will be material evidence for the Plaintiff in the trial of this cause.


Sworn to and subscribed before me
on this the 21st day of August, 1961.

Ernestine R. Sims
Notary Public, Baldwin County, Alabama

FILED

AUG 21 1961

JOHN I. DUCK, CLERK
REGISTER


*I hereby accept service of the above
on this 28th day of August, 1961.
Kenneth Cooper*

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Hubert Harville and Arthur L. Harville, Jr., to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of Cornelia Crestman, a minor, by her father and next friend, John A. Crestman.

WITNESS my hand this 21 day of March, 1961.


Clerk

CORNELIA CRESTMAN, a minor,
by her father and next friend,
JOHN A. CRESTMAN,

Plaintiff,

VS.

HUBERT HARVILLE and ARTHUR L.
HARVILLE, JR.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE

The Plaintiff claims of the Defendants FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for in that heretofore and on, to-wit, January 30, 1959, at a point on United States Highway 31, at a point, to-wit, two miles north of Stapleton, Alabama in Baldwin County, Alabama, the Defendant, Arthur L. Harville, Jr., the agent, servant or employee of the Defendant, Hubert Harville, while the said agent, servant or employee was acting within the line and scope of his employment as such agent, servant or employee, did so negligently operate an automobile so as to cause the same to run into, upon and against the automobile in which the Plaintiff was riding as a passenger upon the said Highway 31, a public road in Baldwin County, Alabama, and as a direct and proximate result of

the Defendant's negligence as aforesaid, the Plaintiff was injured in that she was made sick, lame and sore, she sustained contusions and lacerations and abrasions about her body, her left leg was broken, she was caused to suffer great physical pain and mental anguish and she has been permanently injured and will be caused to suffer pain in the future; all for which she sues.

COUNT TWO

The Plaintiff claims of the Defendants FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for in that heretofore and on, to-wit, January 30, 1959, at a point on United States Highway 31, to-wit, two miles north of Stapleton in Baldwin County, Alabama, at which point the said Highway 31 is a public road in Baldwin County, Alabama, the Defendant, Arthur L. Harville, Jr., the agent, servant or employee of the Defendant, Hubert Harville, while acting within the line and scope of his employment as such agent, servant or employee, did wantonly operate a motor vehicle so as to cause the same to run into, upon and against the automobile in which the Plaintiff was riding as a passenger upon the said Highway 31, a public highway in Baldwin County, Alabama, and as a direct and proximate result of the Defendant's wanton misconduct as aforementioned, the Plaintiff was wantonly injured in that she was made sick, lame and sore, she sustained contusions, lacerations and abrasions about her body, her left leg was broken, she was caused to suffer great physical pain and mental anguish and she has been permanently injured and will be caused to suffer pain in the future; all for which the Plaintiff sues.

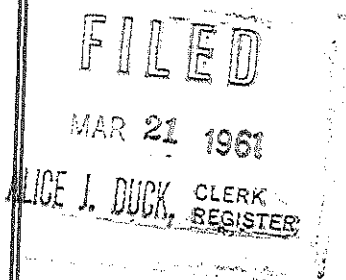
LEON DUKE and JAMES R. OWEN
Attorneys for Plaintiff

By [Signature]

The Plaintiff demands that this case be tried by jury.

LEON DUKE and JAMES R. OWEN
Attorneys for Plaintiff,

By [Signature]



CORNELIA CRESTMAN, a minor,
by her father and next friend,
JOHN A. CRESTMAN,

Plaintiff,

VS.

HUBERT HARVILLE and ARTHUR L.
HARVILLE, JR.,

Defendants.

Received 21 day of Mar 1961
and on 21 day of March 1961
I served a copy of the within A.C.
on Hubert Harville
Arthur L. Harville Jr.
By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Talbert D. S.
Rabun

Sheriff claims 200 miles at
Ten Cents per mile Total \$20.00
TAYLOR WILKINS, Sheriff
BY Talbert DEPUTY SHERIFF

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED
MAR 21 1961
JAMES DUBK, CLERK
ATTORNEY AT LAW
BAY MINETTE, ALABAMA