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JACQUELIN MAE KENDEL,  
a Minor, by her next  
Friend and Mother,  
CAROL J. LANDIS,

Plaintiff,

VS.

A. A. CORTE & SONS, a  
PARTNERSHIP,

Defendants.

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

MRS. CAROL J. LANDIS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS

Examination by Mr. Patton

Q. Is your name Carol J. Landis?

A. Yes sir.

Q. You are the mother of Jacquelin Mae Kendel, the Plaintiff  
in this case?

A. Yes sir.

Q. How old is Jacquelin?

A. She will turn nine in February.

Q. Would you tell the Court the circumstances, in your own  
words, how she was injured on June 24, 1967  
at the A. A. Corte Farm near Loxley?

A. Well I was getting dinner and the three children went  
outside to play and I thought they were up front and I  
never thought about at the time going and checking on them  
and I went to the refrigerator to get some cucumbers; I was  
going to fry some cucumbers for dinner and I heard this  
noise and I ran out and she had climbed up in the tree  
and made a swing and the baby was swinging and the force  
of the swinging on it pulled it down - - - it killed my  
little boy - - -

MR. BLACKBURN: Killed the little boy and hurt or injured her.

A. Yes sir.

THE COURT: How was your child injured? - - This one here?

A. They thought she had brain damage.

Q. (THE COURT) It injured her head?

A. Yes sir and spinal damage - that is what the bill we brought was for the X-rays.

THE COURT: Has she recovered?

A. Oh yes, she seems to be unless something does happen in the years to come.

Q. Jacqueline was treated by Doctor Adams?

A. Yes sir, at the embergency room and she went on to Pensacola.

Q. To the Baptist Hospital there?

A. Yes sir, to a specialiast there waiting.

Q. How long did she remain there?

A. She remained in the intensive care room for a week and they put her in the children's ward, in the special room and she was there a week - two weeks in all.

Q. And she has been discharged frm the hospital now?

A. Yes sir.

Q. Did she continue to receive medical treatment after she left the hospital?

A. She had to go back one time and he said that she was out of the woods - - I mean, that is what he said - - as far as he was concerned, she was all right

Q. This was the Specialist in Pensacola?

A. Yes sir, Doctor Holmes.

Q. She has now been discharged by Doctor Holmes?

A. Yes sir.

NO EXAMINATION OF THIS WITNESS BY MR. BLACKBURN.

C E R T I F I C A T E:

I hereby certify that the foregoing is a true and correct transcript of the testimony as taken by me, in open Court on the 1st day of September, 1967, before Hon./Telfair J. Mashburn, Judge of said Court.

This 1st day of September, 1967.

Louise D. Mashburn  
Court Reporter

JACQUELINE MAY KENDEL, a minor,	)	
By her next friend and Mother,	)	
CAROL J. LANDIS,	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	
A. A. CORTE & SONS, a	)	LAW SIDE.
partnership,	)	720,771 8
	)	
Defendant.	)	

The Plaintiff claims of the Defendant, the sum of FOURTEEN HUNDRED FIVE AND NO/100 DOLLARS (\$1405.00) for that, heretofore, on, to-wit, June 24, 1967, the Plaintiff, who is a minor of nine years of age, was on the property of the Defendant, to-wit, the Corte Farm, near Loxley, Baldwin County, Alabama, and as a result and proximate consequence of the negligence of said Defendant, the Plaintiff was severely injured; she was bruised, cut and suffered contusions and other serious injuries and she was caused to undergo medical treatment, hospitalization, pain and suffering, all to the damage of the Plaintiff aforesaid; hence this suit.

Walter S. Patton  
Attorney for Plaintiff.

Now comes J. B. Blackburn, Attorney for the Defendant in this cause, and accepts service of the foregoing complaint.

J. B. Blackburn  
Attorney for Defendant.

FILED

SEP 1 1967

ALICE J. BENTLEY

JACQUELINE MAY KENDEL,  
a minor, by her next friend  
and mother, CAROL J. LANDIS,

Plaintiff,

VS.

A. A. CORTE & SONS,  
a partnership,

Defendant.

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

ANSWER

Now comes the defendant, by its attorney, and for answer  
to the complaint heretofore filed in this cause, says:

1. Not guilty.
2. The allegations of the complaint are untrue.

*J. B. Blackburn*  
Attorney for defendant

FILED

SEP

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

PHONE 433-5561 P. O. BOX 2104

MOBILE, ALABAMA 36601

NEW

P. O. BOX NO.

1988

C. A. L. JOHNSTONE, JR.

R. F. ADAMS, SR.

JAMES L. MAY, JR.

ALEX T. HOWARD, JR.

J. JEPHTHA HILL

CHARLES B. BAILEY, JR.

C. M. A. ROGERS, III

BROCK B. GORDON

BEN H. HARRIS, JR.

WILLIAM H. HARDIE, JR.

DOUGLAS INGE JOHNSTONE

August 31, 1967

GESSNER T. MCCORVEY (1882-1965)

BEN D. TURNER, OF COUNSEL

Mrs. Alice Duck, Clerk  
Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama

Dear Mrs. Duck:

I enclose herewith a bill of complaint stating a cause of action in detinue together with a detinue bond and affidavit. I will very much appreciate it if you will mark these as filed and issue a writ of detinue to the Sheriff.

I trust that you will find the bond and other papers to be in order but if you should need anything else please do not hesitate to telephone me collect.

Thanking you for your cooperation, I am,

Very truly yours,



C. M. A. Rogers

CMAR:dk  
Enclosures

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

ATTORNEYS AT LAW

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BEN H. HARRIS, JR.  
WILLIAM H. HARDIE, JR.  
DOUGLAS INGE JOHNSTONE

October 9, 1967

GESSNER T. MCCORVEY (1882-1985)  
BEN D. TURNER, OF COUNSEL

Honorable Telfair Mashburn, Judge  
Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Austin E. Barker, individually and  
d/b/a Barker Motors for the use and  
benefit of The Travelers Indemnity  
Company, Plaintiff versus Godfrey  
Jones, Defendant

Dear Judge Mashburn:

The above captioned suit is a suit in detinue for the recovery of an automobile described in the bill of complaint. The bill of complaint has been served, the automobile picked up by the Sheriff, and a forthcoming bond filed by the Plaintiff therein. The case is now right for a judgment by default, and I would very much appreciate it if Your Honor would see fit to enter such a judgment.

Thanking you in advance for your cooperation, and with my best regards, I am,

Very truly yours,



C. M. A. Rogers

CMAR:dk

Power of Attorney  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

HOME OFFICE: BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WM. H. C. GRIFFITH, Vice-President, and JOHN C. GARDNER, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The President, or any one of the Executive Vice-Presidents, or any one of the additional Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

does hereby nominate, constitute and appoint B.R. Wilson, Jr., Clifton C. Inge and W.G. DeMouy, all of Mobile, Alabama, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, each in a penalty not to exceed the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000).....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Maryland, in their own proper persons. This power of attorney revokes that issued on behalf of B.R. Wilson, Jr., et al, dated November 16, 1964.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 12th day of July, A.D. 1966

ATTEST: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(SIGNED) JOHN C. GARDNER By WM. H. C. GRIFFITH  
(SEAL) Assistant Secretary Vice-President

STATE OF MARYLAND }  
CITY OF BALTIMORE } ss:

On this 12th day of July, A.D. 1966, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

(SIGNED) FRANK G. MEURER  
(SEAL) Notary Public Commission Expires July 1, 1967

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 31st day of August, 1967