

HENRY TAYLOR, ET AL,
Plaintiffs,
vs
JOE BERGA SR., ET AL,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, AT LAW.
NUMBER 194.

Comes the defendant Joe Berga Sr. and demurs to count numbered TWO on the following grounds, each of which is severally and separately assigned:

- (1) No negligence on the part of this defendant was shown.
- (2) It is not shown that this defendant did anything to cause the damages complained of.
- (3) It is not shown that either this defendant or anybody connected with him was in any way, either as principal or otherwise, connected with the collision through which the damages arose.
- (4) From ought that appears this defendant is not liable either as principal or agent.

B. J. McMillan Jr.
Attorney for Defendant.

TO THE SECRETARY OF THE

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C.

TO THE SECRETARY OF THE

UNITED STATES DEPARTMENT OF JUSTICE

42

TO THE SECRETARY OF THE

UNITED STATES DEPARTMENT OF JUSTICE

RECORDED
Duck
7-414

C 194

TO THE SECRETARY OF THE

UNITED STATES DEPARTMENT OF JUSTICE

TO THE SECRETARY OF THE

UNITED STATES DEPARTMENT OF JUSTICE

Filed this 3 day 7th 1936
Richard L. Duck
Clerk-Register

TO THE SECRETARY OF THE

UNITED STATES DEPARTMENT OF JUSTICE

TO THE SECRETARY OF THE

HENRY TAYLOR, ET AL,

PLAINTIFFS,

VS

JOE BERGA, SR., ET AL,

RESPONDENTS.

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

NUMBER _____.

INTERROGATORIES PROPOUNDED BY DEFENDANTS TO PLAINTIFFS UNDER ARTI-
CLE TEN, CHAPTER 290 OF THE CODE OF ALABAMA.

1. On what date did you acquire title to the automobile which was being driven at the time of its collision with defendant's car referred to in your complaint; What make of car was yours; What model; From whom did you purchase it and when; How much did you pay for it and to what individual was such payment made?
2. Did you have your car repaired after the collision with defendant's car; When did you have it repaired; Where did you have it repaired; Who repaired it; Where is the car at the present time?
3. Who was driving your car at the time of the collision; From what point and to what point was the car then being driven; What time of day did the collision occur; Was it dark; What lights did you have on your car; Who was riding in your car at the time of the collision; On what side of the road was the car being driven?
4. At what distance was defendant's car from you at the time you first saw it; How long was it after you discovered defendant's car before the collision occurred?
5. What was done with plaintiff's car after the collision; When was it removed from the scene of the collision; Who removed it and where was it taken immediately following the collision?

STATE OF ALABAMA,
COUNTY OF MOBILE.

B. F. McMillan Jr.
Attorney for Respondents.

Before me, Julia P. McMillan, a Notary Public in and for said State and County personally appeared B. F. McMillan Jr. who is known to me and who being sworn says on oath that he is attorney for Joe Berga and Joe Berga Jr., in the cause filed against them by Henry Taylor and L. A. Taylor in the Circuit Court of Baldwin County, Alabama; That as such attorney he has propounded the foregoing interrogatories to the plaintiffs and that the answers there-to will be material testimony for defendants in said cause.

Sworn to and subscribed before me this 10 day of October, 1955.

Julia P. McMillan
Notary Public, Mobile County, Alabama.

1944

RECORDED

Subk

7-330

Executed by serving
copy of within writ
on H. M. Hall atty
for Henry Taylor

Oct-21-35-

M. H. Wilkins Sheriff
L. V. Anderson W.S.

Filed this 12 day Oct 1935

(John S. Deuch)
Clerk of Court

Filed this 11 day Oct 1935

At Chicago, Ill.

Serve Copy on Henry Taylor
at Belfast

Jury List First Week, April 13, 1936.

NO.	NAME	OCCUPATION	ADDRESS
1	Ambrose Hamburg	Laborer	Foley 197
2	Cecil Trawick	Farmer	Stapleton 100
3	Philip Fulford	Oysterman	Bon Secour
4	Allen Pilgrim	Clerk	Mifflin
5	Otis Scott	Farmer	Stockton
6	Jacob Krischer	Farmer	Elberta 12
7	Will Younce	Farmer	Foley 11
8	Floyd Taylor	Farmer	Bay Minette
9	John W. Spalding	Farmer	Foley 181
10	Calen C. Berg	Farmer	Foley
11	Irby Heaton	Naval Stores	Bay Minette
12	Dupree McNeil	Farmer	Holman
13	Thomas L. C. Vail	Printer	Bay Minette
14	Clyde Robinson	Farmer	Belforest
15	Jim Beck	Clerk	Belforest
16	John Thompson	Ice Man	Foley
17	William Thomas	Merchant	Foley
18	James Parker	Laborer	Foley
19	Elbert Boone	Oil Truck	Foley
20	Ernest D. Swift	Clerk	Fairhope
21	Cleveland C. Gantt	Merchant	Little River
22	Hobson Bush	Farmer	Bay Minette
23	Joe C. Callaway	Fisherman	Bon Secour
24	William Lenz	Garege	Elberta 105
25	John H. Helmen	Mechanic	Foley 12
26	Aubrey Allen	Fisherman	Bon Secour 14
27	Robert C. Gwaltney	Clerk	Robertsdale
28	Oscar Grubbs	Farmer	Robertsdale 10
29	Henry Bauer	Farmer	Point Clear 15
30	Frank Heidleberg	Farmer	Silverhill 12
31	Shelby Folmar	Farmer	Bay Minette
32	Carl White	Farmer	Bay Minette
33	Louis Bush	Clerk	Bay Minette
34	Gus Murphy	Farmer	Bay Minette
35	J. Mack Blackman	Farmer	Bay Minette
36	Virgil V. Rhodes	Dairyman	Bay Minette 10
37	Charles T. Sims	Printer	Bay Minette
38	Henry Miller	Farmer	Bay Minette
39	William A. Thompson	Insurance	Bay Minette
40	Verner Ray	Printer	Bay Minette

HENRY TAYLOR and L. A.
TAYLOR,

Plaintiffs,

VS.

JOE BERGA, SR. and JOE
BERGA, JR.

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER 194.

I hereby appear for the defendants and reserve the right
to plead, answer and demur.

B. Y. Remick
Attorney for Defendants.

194

RECORDED

Duck

7-329

Taylor

vs

Jae. Berge et al

appearance

Filed Sept 21, 1935

Robert S. Duck
Clerk

The State of Alabama }
Baldwin County }

CIRCUIT COURT

No. 194 April Term, 1934

To Any Sheriff of the State of Alabama--Greeting:

You are hereby commanded, That of the goods and chattels, lands and tenements of _____

You are hereby commanded, That of the goods and chattels, lands and tenements of _____
Jose Beroya Jr _____ Defendants,
 you cause to be made the sum of *Two Hundred Fifty and 10/100* Dollars,

which Henry Taylor et al Plaintiffs

recovered of Hunt on the 14 day of April 1936 by

the Judgment of our Circuit Court, held for the County of Baldwin, besides the sum of _____

costs of suit, and have the same to render to the said _____

and make return of this Writ and the execution thereof, according to law.

Interest from _____, 193____, to date of collection.

Witness my hand, this _____ day of _____ 193_____

-Clerk

[illegible]

STATE OF ALABAMA,)
COUNTY OF BALDWIN.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JOE BERGA, SR. and JOE BERGA, 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 HENRY TAYLOR and L. A. TAYLOR.

WITNESS my hand this 9th day of September, 1935.

Ruben L. Duce
Clerk.

HENRY TAYLOR and L. A.
TAYLOR,

Plaintiffs,

VS.

JOE BERGA, SR. and JOE
BERGA, JR.

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

The Plaintiffs claim of the Defendant, Joe Berga, Sr., Five Hundred (\$500.00) Dollars damages, in that, on to-wit, July 21, 1935, the Defendant, Joe Berga, Sr., acting by and through his agent or servant, Joe Berga, Jr., who was then and there acting within the line and scope of his authority, negligently ran an automobile of the Defendant's, Joe Berga, Sr., into, over, or against an automobile of the Plaintiffs', at a point approximately two miles East of Daphne, on the Daphne-Belforest Highway, a public highway in Baldwin County, Alabama, and as a proximate result of said negligence the automobile of the Plaintiffs' was damaged as follows:

Frame broken; front axle, wheel and spring damaged; front bumper and steering assembly damaged; front fenders damaged; radiator damaged; and the car otherwise damaged;

That the car of the Plaintiffs', as a result of said collision, was rendered practically worthless; that the Plaintiffs had to pay certain wrecker charges in attempt to salvage the wreck, and have been deprived of the use of the said car, all to the damage of the Plaintiffs aforesaid.

TWO:

The Plaintiffs claim of the Defendant, Joe Berga, Jr., Five Hundred (\$500.00) Dollars damages, for that, on to-wit, July 21, 1955, he negligently drove an automobile which he was operating along the Daphne-Belforest highway, in Baldwin County, Alabama, at a point approximately two miles East of Daphne, on said highway, into, over or against an automobile of the Plaintiffs', which was being operated along said highway, and as a proximate result of said negligence the Plaintiffs' automobile was damaged as follows:

Frame broken; front axle, wheel and spring damaged; front bumper and steering assembly damaged; front fenders damaged; radiator damaged, and the car otherwise damaged;

all to the damage of the Plaintiffs, hence this suit.

THREE:

The Plaintiffs claim of the Defendants Five Hundred Dollars (\$500.00) damages, in that, on to-wit, July 21, 1955, Joe Berga, Jr., an agent or servant of Joe Berga, Sr., who was then and there acting within the line and scope of his employment, negligently ran an automobile into, over or against an automobile of the Plaintiffs', which was being operated along the Daphne-Belforest highway, a public highway in Baldwin County, Alabama, at a point approximately two miles East of Daphne, and as a proximate result of said negligence the Plaintiffs' automobile was damaged as follows:

Frame broken; front axle, wheel and spring damaged; front bumper and steering assembly damaged; front fenders damaged; radiator damaged; and the car otherwise damaged;

all to the damage of the Plaintiffs, hence this suit.

Beebe & Hall
Attorneys for Plaintiff.

Plaintiffs demand a trial by Jury.

Beebe & Hall
Attorneys for Plaintiff.

1944
RECORDED

March
7 - 309-10

HENRY TAYLOR and J. A.
TAYLOR,

Plaintiffs,

Vs.

JOE BERGA, SR. and JOE
BERGA, JR.

Defendants.

IN THE CIRCUIT COURT OF

DADE COUNTY, ALABAMA,

AT LAW.

SUMMONS AND COMPLAINT.

Filed this 9th day of Sep-
tember, 1935.

Robert S. Smith
Clerk.

RECORDED

*Rec in office
9/9/35
Musselwhite
Sherry*

Exceeded Sept. 18

by serving copy of within Summons and
Complaint on

*Joe Berge Sr.
also for Berge Jr.*

M. H. Wilkins

C. K. Anderson
Clerk
Deputy Clerk

His Honor - J. M. Hare, Judge Circuit Court
We the jury in the case represented herein
find a verdict in favor of the defendant
Joe Berge, Sr.

But

we find a verdict in favor of the plaintiffs
Henry & J. A. Taylor in the sum of \$2,500.00 against
the defendant Joe Berge, Jr.

Foreman

THE STATE OF ALABAMA,
BALDWIN COUNTY.

No. 194

CIRCUIT COURT,

April Term, 1934

To Any Sheriff of the State of Alabama, Greeting:

You are hereby commanded, That of the goods and chattels, lands and tenements of

Henry Taylor and La Taylor Plaintiff in the suit,

you cause to be made the sum of Twenty Three and 15-100 Dollars,

costs of suit, created by said Plaintiff ..., for that, whereas, on the 14 day of

_____ 1934, the said Plaintiff _____ recovered by the Judgment of the said Circuit Court

of said County, against Joe Berge Jr

Defendant: _____

to the suit, the sum of Two Hundred Fifty Dollars,

besides Twenty three and 15/100 Dollars, costs of suit;

upon which Judgment an Execution has been issued and returned by the Sheriff, "No property found."

AND HAVE YOU THAT MONEY ready to render to

Clerk of said Court, and make return of this Writ and the execution thereof, according to law.

Witness my hand, this 16 day of Jan 1937

.Clerk.

CLERK'S FEES		Dollars	Cts	SHERIFF'S FEES		Dollars	Cents
For every Summons and Complaint	\$1 25	✓	25	For Levying an Attachment	3 00		
Each copy thereof	30	✓	40	Entering and Returning Attachment	25		
Entering a Sheriff's Return	20	✓	20	Summoning Garnishee	1 50	5 00	
Docketing	25	✓	25	Serving Summons on Writ	1 50	3 00	
Entering Appearance	20	✓	20	Serving Notice Sci. Fa. Notice, etc.	65	7 50	
Filing	10	✓	60	Serving Subpoenas	65	75	
Every order made in Court	30	✓	30	Empanelling Jury	75		
Copy thereof	25	✓	45	Entering and Returning Execution	25	25	
Every Trial with or without Jury	75	✓	30	Collecting Costs Execution	1 50	1 50	
Entering up Judgment, or copy thereof	30	✓	30	Executing a Writ of Possession	2 50		
Issuing Execution	50	✓	100	Taking and Approving Bonds	1 00	13 20	
Docketing Execution	25	✓	25	Commissions			
Entering Return on Execution	20	✓	20	Sheriff's Commission for Property Sold			
Issuing Subpoenas	30	✓	30	Under Attachment			
Administering Oath	25			Seizing Personal Property on Writ of De-			
Issuing each Attachment Taking Bond	1 00			tinue	3 00		
Filing Attachment	10						
Each Summons for Garnishee	50						
Each Copy	50						
Notice to Debt in Garnishee on Summons							
and Copy, per 100 words	20						
Commissions to take Depositions or copy	75						
Order to Execute Writ of Inquiry	30						
Copy of Interrogators. 15c per hundred							
words or	50						
Filing each Deposition and endorsing							
same	20						
Final Record, per hundred words	15						
Every Certificate	50						
Taking Bond not Otherwise Provided for	75						
Witness Certificates	25						
Continuance	10						
Certificate of Judgment	50						
Order of Publication	1 00						

$$\begin{array}{r} 6795 \\ - 1188 \\ \hline 2975 \end{array}$$
$$\begin{array}{r} 2975 \\ 36460 \\ 6000 \\ \hline 6915 \end{array}$$

The State of Alabama,
Baldwin County.
CIRCUIT COURT

Henry Taylor ad
L. L. Taylor
Plaintiff.

vs.

Joe Binger Jr.
Defendant.

**Civil Execution for Costs
Against Plaintiff.**

Costs, \$ 73¹⁵

Civil Fee Book 11 Page 242

Execution Docket 5 Page 21

Filed Jan 8, 1937

R. S. Dyer, Clerk.

Beede Hall
Plaintiff's Attorney.

R. F. M. Mullins
Defendant's Attorney.

COLLECT COSTS FROM

THE STATE OF ALABAMA
Baldwin County }

I hereby certify that the within
and costs in this case are correct, and there was
waiver of exemption as to personal prop-
erty under the Constitution and Laws of
Alabama.

This day of 1937

Clerk.

Received in office Jan. 8

1937

M. H. Wilkins
Sheriff.

Sheriff's Execution Docket, Page 49

Sheriff's Fee Book, Page

Begin at a pt. on N. line, sec. 32,
5-2-50 4th ch. W. of N. line of said
sec. 32, begin. cor. thence S. 73°
E. to center of Ave. N. 62° E. ch. W
70 ch. to St. line thence S.
along said St. line 100 ft. to
ch. to begin. 29-5-2

Henry Taylor

Sheriff.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

By virtue of the within Execution, I have at

o'clock M., this day of 1937, levied

A

The Court charges the jury that
the burden of proving negligence
is on the plaintiff and unless
you are reasonably satisfied
from the evidence that the
defendant Jon Berga Jr was
negligent in driving his
car and that as a proximate
of such negligence, plaintiff
suffered the injuries
as claimed, your verdict
should be for the defendant.

Refused

J. W. [unclear]

Judge

7- The court charges the jury that if plaintiffs own negligence as charged in the pleas, proximately contributed to the damages sued for, plaintiffs cannot recover in this suit however slight his contributory negligence may have been

W. H. Hare, Judge

*Refused
W. H. Hare, Judge*

1- The court chages the jury that if you believe the evidence in this case you should find a verdict in favor of the defendants.

*The Plaintiff's motion for a
verdict in favor of the
defendants is refused. The jury
is charged that the negligence
of the defendant caused the injury
to the plaintiff. The jury
is charged to find a verdict
in favor of the plaintiff if
they believe the evidence.
The jury is charged to find
a verdict in favor of the
defendants if they believe the
evidence.*