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WILLIE G. TAYLOR,

Plaintiff,

VS.

A. A. CORTE AND SONS, A CO-PARTNERSHIP COMPOSED OF ANGELO A. CORTE, JOHN ARTHUR CORTE, ERNEST D. CORTE, ATTILIO I. CORTE, ALBERT CORTE, FERDINAND A. CORTE, JULIO CORTE AND ADELE CORTE, and ANGELO A. CORTE, JOHN ARTHUR CORTE, ERNEST D. CORTE, ATTILIO I. CORTE, ALBERT CORTE, FERDINAND A. CORTE, JULIO CORTE AND ADELE CORTE, Individually, and W. M. STUART,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER _____

INTERROGATORIES TO BE PROPOUNDED TO THE DEFENDANTS, A. A. CORTE AND SONS, A CO-PARTNERSHIP COMPOSED OF ANGELO A. CORTE, JOHN ARTHUR CORTE, ERNEST D. CORTE, ATTILIO I. CORTE, ALBERT CORTE, FERDINAND A. CORTE, JULIO CORTE AND ADELE CORTE; ANGELO A. CORTE, JOHN ARTHUR CORTE, ERNEST D. CORTE, ATTILIO I. CORTE, ALBERT CORTE, FERDINAND A. CORTE, JULIO CORTE AND ADELE CORTE, Individually; and W. M. STUART, UNDER SECTION 7764 OF THE 1923 CODE OF ALABAMA:

1. Who owned the Ford truck bearing 1938 Alabama license tag number 9172H2 on, and during all of the day of April 4, 1938?
2. Who owned the truck that collided with the automobile in which Plaintiff was riding on April 4, 1938, at a point approximately seven miles south of the Court House in Bay Minette, Alabama, on United States Highway Number 31?
3. Was the Ford truck bearing 1938 Alabama license tag number 9172H2 damaged in an accident or collision about seven miles south of the Court House in Bay Minette, Alabama, on United States Highway Number 31 on April 4, 1938?
4. If your answer to the above question is yes, who was the driver of the said truck at the time of said collision and by whom was the said driver employed at that time? Was there any passenger or passengers in the said truck at the time of the said accident? If so, give their name or names and state by whom were they employed at that time.
5. If the said Ford truck bearing 1938 Alabama license tag number 9172H2 was involved in an accident or collision at the time and place mentioned in these interrogatories, state what

business the said truck was engaged in or what work it was doing at the time of the said accident and state for whom this business or work was being done.

6. Give a full and correct list of the names of all of the partners interested in the firm of A. A. Corte and Sons.

J. B. Blackburn
Attorney for Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Ora Sirmon, a Notary Public, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly sworn deposes and says: That he is the attorney for the Plaintiff in the above entitled cause and that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Plaintiff in the said cause.

J. B. Blackburn

Sworn to and subscribed before me on
this the 29th day of June, 1938.

Ora Sirmon

Notary Public, Baldwin County, Alabama.

Executed July 6, 1938 by serving copy of within interrogatories on each following named defendants: W. M. Stuart; Angelo A. Corte; John Arthur Corte; Ernest D. Corte; ~~Attilio I. Corte~~; Albert Corte; Ferdinand A. Corte; Julio Corte and Adele Corte.

M. H. Wilkins
As Sheriff of Baldwin County, Alabama.
By *John R. Davis*
As Deputy Sheriff.

Executed July 7, 1938 by serving copy of within interrogatories on Attilio I Corte, a defendant.

M. H. Wilkins
Sheriff of Baldwin County, Alabama.
By *John R. Davis*
As Deputy Sheriff.

Executed July 6, 1938 by service on defendant, A. A. Corte & Sons, a Co-Partnership composed of Angelo A. Corte, John Arthur Corte, Ernest D. Corte, Attilio I. Corte, Albert Corte, Ferdinand A. Corte, Julio Corte and Adele Corte, by serving copy of within interrogatories on Ernest Corte, as one of the members of said Co-Partnership.

M. H. Wilkins
Sheriff of Baldwin County, Alabama,
By *John R. Davis*
As Deputy Sheriff.

INTERROGATORIES.

WILLIE G. TAYLOR,

Plaintiff,

VS.

A. A. CORTE AND SONS, a
Co-Partnership, et als,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER

Filed on this the 30th day of
June, 1938

*Robert
Carr*

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

WILLIE G. TAYLOR,

Plaintiff,

VS.

A. A. CORTE AND SONS, A CO-PARTNER-
SHIP COMPOSED OF ANGELO A. CORTE,
JOHN ARTHUR CORTE, ERNEST D. CORTE,
ATTILLO I. CORTE, ALBERT CORTE,
FERDINAND A. CORTE, JULIO CORTE AND
ADELE CORTE, and ANGELO A. CORTE,
JOHN ARTHUR CORTE, ERNEST D. CORTE,
ATTILLO I. CORTE, ALBERT CORTE,
FERDINAND A. CORTE, JULIO CORTE AND
ADELE CORTE, Individually, and W. M.
STUART,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER ____.

INTERROGATORIES TO BE PROPOUNDED TO THE DEFENDANTS,
A. A. CORTE AND SONS, A CO-PARTNERSHIP COMPOSED OF
ANGELO A. CORTE, JOHN ARTHUR CORTE, ERNEST D. CORTE,
ATTILLO I. CORTE, ALBERT CORTE, FERDINAND A. CORTE,
JULIO CORTE AND ADELE CORTE; AND W. M. STUART,
UNDER SECTION 7764 OF THE 1923 CODE OF ALABAMA:

1. Who owned the Ford truck bearing 1938 Alabama
license tag number 9172H2 on, and during all of the day of April
4, 1938?

2. Was the owner of the above described truck
carrying or did he or they have public liability and property
damage insurance on the said truck on April 4, 1938? If your
answer to this question is yes, please attach a true and exact copy
of the said insurance policy to your answers hereto.

J. B. Blackburn
Attorney for Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Ora Sirmon, a Notary Public, within and
for said County in said State, personally appeared J. B. Blackburn
who, after being by me first duly sworn deposes and says: That he
is the attorney for the Plaintiff in the above entitled cause and
that the answers to the foregoing interrogatories, if well and tru
made, will be material testimony for the Plaintiff in the said cau

Sworn to and subscribed before me on
this the 29th day of June, 1938.

Ora Sirmon
Notary Public, Baldwin County, Alabama.

Executed July 6, 1938 by serving copy of within interrogatories on
W. M. Stuart, a defendant.

M. H. Watkins
Sheriff of Baldwin County, Alabama,
By *John R. Davis*
As Deputy Sheriff.

Executed July 6, 1938 by service on defendant, A. A. Corte & Sons, a Co-
Partnership composed of Angelo A. Corte, John Arthur Corte, Ernest D. Co
Attilio I. Corte, Albert Corte, Ferdinand A. Corte, Julio Corte and Adel
Corte, by serving copy of within interrogatories on Ernest D. Corte, as
one of the members of said Co-Partnership.

M. H. Watkins
Sheriff of Baldwin County, Alabama,

By *John R. Davis*
As Deputy Sheriff.

INTERROGATORIES.

WILLIE G. TAYLOR,

Plaintiff,

VS.

A. A. CORTE AND SONS, a
Co-Partnership, et als,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER _____.

Filed on this the 22nd day of
June, 1938.

Robert C. Davis

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

Alabama, at a point approximately seven miles south of the Court House in the Town of Bay Minette, Alabama, on the paved highway known as United States Highway Number Thirty-one, at which time and place the servants, agents or employees of the Defendants or one of them, then and there, while acting within the line and scope of their duty as such, did so negligently operate or control the movement of Defendants' or one of Defendants' motor truck that it was caused to collide with or run into the front of the automobile in which Plaintiff was riding, and as a proximate result of said negligence on the part of Defendants' agent, servant or employee, the Plaintiff was seriously and permanently injured, received scars and cuts in and about her face and neck which mutilated and permanently disfigured her, caused her throat and neck to be cut, crushed, bruised and lacerated, destroyed one vocal cord and injured the other, thereby causing Plaintiff to practically lose her power of speech and which permanently injured her, caused her suffer and she still suffers great physical pain and mental anguish and to incur large expense by way of doctors' bills, hospital and infirmary bills and medicine, and to lose a great deal of time from her work, all to her damage as aforesaid, which injuries were the proximate result of the negligence of Defendants' servants, agent or employees, or one of them, while acting within the line and scope of their or his authority as such, all of which caused the Plaintiff to suffer the damage as aforesaid, hence this suit.

2. Plaintiff claims of the Defendant Forty-five Thousand Dollars damages for that on to-wit, the 4th day of April, 1938, Plaintiff was riding in an automobile along the public highway known as United States Highway Number Thirty-one at a point in Baldwin County, Alabama, approximately seven miles south of the Court House in the Town of Bay Minette, Alabama, and then and there the servant agents or employees of the Defendants, or one of them, while acting within the line and scope of his employment willfully and wantonly drove an automobile truck into or against the automobile in which the Plaintiff was riding and by reason thereof and as a proximate

result and consequence thereof the Plaintiff was seriously and permanently injured and received scars and cuts in and about her face and neck which mutilated and permanently disfigured her, and which caused her throat and neck to be cut, crushed, bruised and lacerated, destroyed one vocal cord and injured the other, thereby causing Plaintiff to practically lose her power of speech which permanently injured her, was caused/^{to suffer}and she still suffers great physical pain and mental anguish, incurred large expense by way of doctors' bills, hospital and infirmity bills and medicine, and lost a large amount of time from her work, all to her damage as aforesaid, which injuries were the proximate result of the negligence of Defendants' servants, agents or employees, or one of them, while acting within the line and scope of their or his authority as such, all of which caused the Plaintiff to suffer the damage as aforesaid, for all of which Plaintiff claims damages as aforesaid, hence this suit.

J. T. T. Shachman
Attorney for Plaintiff.

Plaintiff demands a trial of said cause by Jury.

J. T. T. Shachman
Attorney for Plaintiff.

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Executed July 6, 1938 by serving copy of within summons and complaint on each following named defendants: W. M. Stuart, Angelo A. Corte, John Arthur Corte, Ernest Corte, Albert Corte, Ferdinand Corte, Adele Corte and Julio Corte.

M. H. Watkins

As Sheriff of Baldwin County, Alabama

By *John R. Davis*
As Deputy Sheriff.

Executed July 7, 1938 by serving copy of within summons and complaint on Attilio I. Corte, a defendant.

M. H. Watkins

Sheriff of Baldwin County, Alabama

By *Jaylon Watkins*
As Deputy Sheriff.

Executed July 6, 1938, by service on defendant, A. A. Corte & Sons, a Co-Partnership composed of Angelo A. Corte, John Arthur Corte, Ernest D. Corte, Attilio I. Corte, Albert Corte, Ferdinand A. Corte, Julio Corte and Adele Corte by serving copy of within summons and complaint on Ernest Corte, as one of the members of said Co-Partnership.

M. H. Watkins

Sheriff of Baldwin County, Alabama

By *John R. Davis*
As Deputy Sheriff.

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RECORDED 9/12/38

SUMMONS AND COMPLAINT.

WILLIE G. TAYLOR,

Plaintiff,

VS.

A. A. CORTE AND SONS, a CO-PART-
NERSHIP COMPOSED OF ANGELO A.
CORTE, JOHN ARTHUR CORTE, ERNEST D.
CORTE, ATTILIO I. CORTE, ALBERT
CORTE, FERDINAND A. CORTE, JULIO
CORTE AND ADELE CORTE, and ANGELO
A. CORTE, JOHN ARTHUR CORTE,
ERNEST D. CORTE, ATTILIO I. CORTE,
ALBERT CORTE, FERDINAND A. CORTE,
JULIO CORTE AND ADELE CORTE,
Individually, and W. M. STUART,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER

Filed on this the 30th day of
June, 1938.

R. B. Blackburn

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

apt with new

Mrs. Lizzie Wesley
Silas. Johnson
Mrs. Estelle Stewart
Gusqu Wesley
Herbert Wesley
~~Herbert~~

3. The Court charges the jury that if you believe
the evidence in this case you ^{should.} must find for the Defendant.

Refused
J. M. Hare
Judge

4. The Court charges the Jury that if you believe from the evidence in this case that the Defendant's wrecker was stopped on the highway for a necessary purpose and under such conditions that it was impossible to avoid leaving it in such position, you cannot find for the Plaintiff under count three of the Complaint.

Refused (abstract)

6. The Court charges the Jury that if you believe the evidence in this case you cannot find for the Plaintiff under count one of the Complaint.

*Refused
J. W. Hare
Judge*

7. The Court charges the Jury that if you believe
the evidence in this case you ^{should} ~~cannot~~ find for the Plaintiff under
count two of the Complaint.

Refused
J. W. Hare
Judge

8. The Court charges the Jury that if you believe
the evidence in this case you ^{should} ~~cannot~~ find for the Plaintiff under
count three of the Complaint.

Refused
J. W. Hare
Judge

9. The Court charges the Jury that if you believe the evidence in this case you ^{should} ~~cannot~~ find for the Plaintiff under count four of the Complaint.

Refused
J. W. Hare
Judge

14. The imposition of damages in this case would be by way of fine against the Defendant, and if the Jury believe from the evidence that the circumstances surrounding the accident do not warrant the imposition of a fine, then the Jury could not, under the law and evidence, impose such a fine.

Refused
J. W. Hare
Judge

7. The Court charges the Jury that if you believe from the evidence that at the time of the accident alleged a clear view of the said truck or wrecker of Defendant might have been obtained from a distance of two hundred feet in each direction upon said Highway, then you must find a verdict for the Defendant.

Refused
J. W. Hare
Judge

I Charge you Gentlemen of the jury that the negligence of the driver of an automobile cannot be imputed to a guest, in the absence of authority in guest to control or direct automobiles movements.

#1

Classified
J. M. [unclear]
[unclear]

#2

I Charge you Gentlemen of the jury that under the evidence in this case the decedent is not chargeable with the negligence of the driver of the car.

#3

I charge you Gentlemen of the Jury that the proximate Cause is the efficient Cause, the one that necessarily sets the other Causes in operation, and, where a wrongful act puts other forces in operation which are natural and which the act would reasonably and probably put in action, the party who puts in force the first efficient Cause will be responsible in damages for the injury proved, though immediately resulting from the other force so put in motion.

Given

J. W. Harewell

#4

I charge you Gentlemen of the jury that when a person by his negligence produces a dangerous condition of things, which does not become active for mischief until another person has operated upon it by the commission of another negligent act, which might not unreasonably be anticipated to occur, the original act of negligence is then regarded as the proximate cause of the injury which finally results.

J. W. Hare
Judge

#5

I charge you Gentlemen of the jury that the original negligence is the proximate cause of injury where it has produced a dangerous condition of things, which become active for mischief when operated on by commission of another negligent act that might reasonably be anticipated

Given
J. W. Ware
Judge

I charge you Gentlemen of the jury that one at fault cannot justify on the ground that another could have avoided the effect of his negligence, to escape liability to a third person, resulting from the concurring negligence of both -

#6

Given
J. W. Ware
Judge

I charge you Gentlemen of the Jury
that where an original act is wrongful
and naturally Calculated to prove injurious
to another, and results in injury
through intervention of other causes not
wrongful, injury will be referred to
wrongful Cause passing those which were
innocent

Given
J. W. Hale
Judge

#7

16. The Court charges the jury that if you believe from the evidence that the condition of the brakes and equipment of the car in which the plaintiff's intestate was riding was the sole proximate cause of the injury to the plaintiff's intestate, you should find for the defendant.

Given
J. W. Saxe
Judge

Reserve
Judge
1

17. The Court charged the jury that if you believe from the evidence that the car in which the plaintiff's intestate was riding was in a defective condition and that same was known to the driver of the ~~same~~ ^{said car}; and that the driver of the car in which plaintiff's intestate was riding by reason of such knowledge of the defective condition of said car acted in such manner as to cause the injury to the plaintiff's intestate and that such action was

1. The Court charges the Jury that if you believe from the evidence that the negligence of the driver of the car in which Plaintiff's intestate was riding was the sole proximate cause of the injury to the Plaintiff's intestate, you must find for the Defendant.

Ginen
J. W. Hare
Judge

2. The Court charges the jury that before you can bring any verdict for the Plaintiff you must believe from the evidence first, that the Defendant was negligent, and second, that the Defendant's negligence was the sole proximate cause of the injury to the Plaintiff's intestate.

Ginen
J. W. Hare
Judge

~~43~~ The Court charges the Jury that if you believe from the evidence that at the time of the accident alleged, a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of the said Highway opposite the standing truck or wrecker of the Defendant was left for free passage of other vehicles thereon, then you must find a verdict for the Defendant.

Ginen
J. M. Hare
Judge

5. The Court charges the Jury that if you believe from the evidence in this case that the Defendant's wrecker was stopped on the highway for a necessary purpose under such conditions that it was impossible to avoid leaving it in such position; that at the time it was stopped fifteen feet of the main traveled portion of the highway was left open, you cannot find for the Plaintiff under count three of the Complaint.

Ginen
J. M. Hare
Judge

10. The Court charges the Jury that if you believe from the evidence that any witness has wilfully testified falsely as to any material fact you may disregard the entire testimony of such witness.

Given
D. W. Hare
Judge

11. The Court charges the Jury that if you believe from the evidence that the driver of the Defendant's wrecker did what an ordinarily prudent man would have done under similar circumstances you cannot find for the Plaintiff.

Given
D. W. Hare
Judge

12. The Court charges the Jury that if you should believe from the evidence that the Defendant's agent or servant was negligent in or about the operation of the Defendant's wrecker at the time and place alleged, yet your verdict must be for the Defendant if you further find from all the evidence that the sole proximate cause of the wreck and consequent death of Plaintiff's intestate was the negligence of the driver of the automobile in which Plaintiff's intestate was riding.

Sine
J.W. Hare
Judge

13. The burden of proof is upon the Plaintiff to show that the proximate cause of Plaintiff's injury and death was the direct result of the negligence of the driver of the Defendant's wrecker; if you are not reasonably satisfied from all the evidence that the Plaintiff has proven such negligence on the part of the Defendant's driver of its automobile, your verdict must be for the Defendant.

Sine
J.W. Hare
Judge

15. The Court charges the Jury that you are authorized to take into consideration the physical facts and circumstances surrounding the accident and if the testimony of any witness is in conflict with such physical facts, then the Jury may take into consideration such conflict ~~and give~~ other testimony of such witness.

With

*Given
J. M. Lare
Judge*