

of being run into or against by the automobile truck then as aforesaid, driven by the said Wilson Law. Plaintiff avers that the said Defendant, Wilson Law, while so engaged in operating the said automobile truck, within the line and scope of his employment by the said Ralph L. Kilpatrick, Ralph L. Kilpatrick doing business as Independent Oil Company, Independent Oil Company, a Co-Partnership, or Independent Oil Company, a Corporation, became aware of Plaintiff's intestate's danger of being run into or against by the automobile truck which he was driving, and thereafter negligently caused said automobile truck to run into, upon or against Plaintiff's intestate and as a proximate result of said negligence Plaintiff's intestate was killed, for all of which Plaintiff claims damages as aforesaid; hence this suit.

2. The Plaintiff, Anna Sees, as Administratrix of the Estate of C. W. Sees, Deceased, claims of the Defendants Twenty-five Thousand Dollars (\$25,000.00) damages, for that on to-wit, April 18, 1940, Plaintiff's intestate was driving along or over the public paved highway known as United States Highway Number 31, running from Bay Minette, Alabama to Montgomery, Alabama, at a point in Baldwin County, Alabama about one and one-half miles northeast of the Court House in Bay Minette, Alabama, at a point where a dirt road, known as the Pensacola Road, intersects the said highway, and then and there, Wilson Law, the agent, servant and employee of the defendants, Ralph L. Kilpatrick, Ralph L. Kilpatrick doing business as Independent Oil Company, Independent Oil Company, a Co-Partnership, and Independent Oil Company, a Corporation, while acting within the line and scope of his employment, negligently drove an automobile truck into or against Plaintiff's intestate and by reason thereof and as a proximate result and consequence thereof, Plaintiff's intestate was killed instantly; for all of which Plaintiff claims damages as aforesaid; hence this suit.

J. T. Blackburn
Attorney for Plaintiff.

Plaintiff demands a trial of this said cause by jury.

J. T. Blackburn
Attorney for Plaintiff.

RECEIVED

JUL 19 1941

BEN REEVES, Sheriff
PIKE COUNTY, ALA.

*Executed this the
27th day of July 1941 by
Serving a copy of the
Within on Reph L
Kiepatrick, and Wilson
Law, and on Reph L
Kiepatrick doing
business as independent
oil Co, independent oil Co,
& Co-partnership, and
independent oil Co, a
corp.*

*Ben Reeves, Sheriff
Pike Co.
W. S. Leland, J. D.*

662 May

SUMMONS AND COMPLAINT.

RECORDED

ANNA SEES, as Administratrix
of the Estate of C. W. Sees,
Deceased,

Plaintiff,

VS.

WILSON LAW, et als,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER *662*

*Filed April 17, 1941
R. S. Duch, Clerk*

ANNA SEES, as Administratrix
of the Estate of C. W. Sees,
Deceased,

Plaintiff,

versus

WILSON LAW, RALPH L. KILPATRICK,
and Ralph L. Kilpatrick, doing
business as INDEPENDENT OIL CO.,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW No. 662.

Come now Wilson Law, Ralph L. Kilpatrick and Ralph L. Kilpatrick, doing business as Independent Oil Company, defendants in the above entitled cause, separately and severally, and for answer to the plaintiff's complaint as last amended, and each and every count thereof, separately and severally, file the following separate and several pleas:

One: Not guilty.

Two: Defendants say that they are not guilty of the matters alleged therein.

Three: Defendants deny the allegations contained therein.

Four: Defendants say that at the said time and place described in the complaint, plaintiff's intestate was driving a truck in a northwestwardly direction along the dirt road known as the Pensacola Road, and defendant Wilson Law was driving a motor vehicle in a northerly direction along U. S. Highway No. 31, which is a paved highway, and as defendant Wilson Law reached the intersection of U. S. Highway No. 31 with the Pensacola Road, plaintiff's intestate, without first having stopped for the stop sign before entering said intersection, as he was required to do by law, negligently drove out onto said paved U. S. Highway No. 31 and into the right side

of the motor vehicle defendant Wilson Law was operating, and defendants say that plaintiff's intestate was guilty of contributory negligence, as aforesaid, which proximately contributed to plaintiff's intestate's death.

Fifth: Defendants say that at the said time and place described in the complaint, plaintiff's intestate was driving a truck in a northwestwardly direction along the dirt road known as the Pensacola Road, and defendant Wilson Law was driving a motor vehicle in a northerly direction along U. S. Highway No. 31, which is a paved highway, and as defendant Wilson Law reached the intersection of U. S. Highway No. 31 with the Pensacola Road, plaintiff's intestate, with knowledge of his peril, without first having stopped for the stop sign before entering said intersection, as he was required to do by law, drove out onto said paved U. S. Highway No. 31, and into the right side of the motor vehicle defendant Wilson Law was operating; defendants further say that as soon as it became apparent that plaintiff's intestate was not going to stop his motor vehicle at the intersection for the stop sign, as he was required to do by law, defendant Wilson Law turned the motor vehicle he was operating to the left or west side of U. S. Highway No. 31 to try to prevent plaintiff's intestate from running into the motor vehicle he was operating, but that plaintiff's intestate ran into the right side of the motor vehicle defendant Wilson Law was operating, and defendants further say that Plaintiff's intestate was guilty of contributory negligence, as aforesaid, which proximately contributed to plaintiff's intestate's death.

Sixth: Defendants say that at the time and place described in said complaint, plaintiff's intestate was driving a truck in a northwestwardly direction over and

along a dirt road known as the Pensacola Road and defendant Wilson Law was driving a motor vehicle in a northerly direction along U. S. Highway No. 31, which is a paved highway, and that the plaintiff's intestate before and upon reaching the intersection of dirt road with said paved U. S. Highway knew or by the exercise of reasonable care should have known that the motor vehicle then being driven by the defendant Wilson Law over and along said paved highway was in such close and dangerous proximity to the point at which he was about to enter said highway that said truck and said motor vehicle would probably collide if he drove said truck out onto said highway and that he would probably be injured thereby and that nevertheless plaintiff's intestate negligently drove said truck out onto said highway and into the side of the motor vehicle defendant Wilson Law was operating and defendants say that plaintiff's intestate was guilty of contributory negligence, as aforesaid, which proximately contributed to the death of plaintiff's intestate.

Seven: Defendants say that at the time and place described in said complaint, plaintiff's intestate was driving a truck in a northwestwardly direction over and along a dirt road known as the Pensacola Road and defendant Wilson Law was driving a motor vehicle in a northerly direction along U. S. Highway No. 31, which is a paved highway, and that upon reaching the intersection of said Pensacola Road with said U. S. Highway, which plaintiff's intestate then and there knew or should have known was a muchly traveled highway, plaintiff's intestate, without looking in the direction from which the defendant Wilson Law was approaching when he could have seen the defendant Wilson Law approaching had he looked, and would,

or by the exercise of reasonable care, should have known that if he drove said truck out onto said highway said truck and the motor vehicle then being driven along said highway by the defendant Wilson Law would collide, and that he would probably be injured thereby, negligently drove said truck out onto said highway and into the motor vehicle defendant Wilson Law was operating, and defendants say that plaintiff's intestate was guilty of contributory negligence, as aforesaid, which proximately contributed to the death of plaintiff's intestate.

Eighth: Defendants say that at the time and place described in said complaint, plaintiff's intestate was driving a truck in a northwestwardly direction over and along a dirt road known as the Pensacola Road and defendant Wilson Law was driving a motor vehicle in a northerly direction along U. S. Highway No. 31, which is a paved highway, and defendants further say that while defendant Wilson Law was approaching and in close and dangerous proximity to the point of the alleged collision, and after it was too late for the defendant Wilson Law to avoid said collision by the exercise of reasonable care, the plaintiff's intestate, who then and there knew, or by the exercise of reasonable care should have known, of the close and dangerous proximity of the motor vehicle being driven by the defendant Wilson Law and who then and there knew or by the exercise of reasonable care should have known that if he, plaintiff's intestate, drove said truck out onto said highway off of said dirt road, said truck and said motor vehicle would collide and that he, plaintiff's intestate, would probably be injured thereby, nevertheless negligently drove said truck out onto said highway and into the side of the motor

vehicle being driven by defendant Wilson Law, and defendants say that plaintiff's intestate was guilty of contributory negligence, as aforesaid, which proximately contributed to the death of plaintiff's intestate.

Nine: Defendants say that at the time and place described in said complaint, plaintiff's intestate was driving a truck in a northwestwardly direction over and along a dirt road known as the Pensacola Road and defendant Wilson Law was driving a motor vehicle in a northerly direction along U. S. Highway No. 31, which is a paved highway, and defendants say that plaintiff's intestate without warning drove said truck out onto said highway from said dirt road directly in the path of and in close and dangerous proximity to the motor vehicle then being driven along said highway by the defendant Wilson Law and the defendants further say that plaintiff's intestate knew, or by the exercise of reasonable care, should have known of the close and dangerous proximity of the motor vehicle being driven by the defendant Wilson Law and that the plaintiff's intestate then and there knew, or by the exercise of reasonable care, should have known that if he drove said truck out onto said highway at said time that said truck and said motor vehicle would collide and that he would probably be injured thereby and that nevertheless he, plaintiff's intestate, negligently drove said truck out onto said highway and into said motor vehicle, and that when he, plaintiff's intestate, drove said truck out onto said highway defendant Wilson Law was in such close proximity that it was impossible for said defendant to have avoided said accident by the exercise of reasonable care, and defendants say that

plaintiff's intestate was guilty of contributory negligence, as aforesaid, which proximately contributed to the death of plaintiff's intestate.

Robert A. Carson

Arnold Krechtling, Fritz & Jackson
Attorneys for Defendants

I, as attorney of record for plaintiff in the above entitled matter, hereby accept service of a copy of the foregoing pleas and waive any other or further notice of the filing thereof.

This / 6th day of October, 1941.

J. T. Blackburn
Attorney for Plaintiff

WLS *noted*

ANNA SEES, as Administratrix
of the Estate of C. W. Sees,
Deceased,

Plaintiff

versus

WILSON LAW, RALPH L. KILPATRICK,
and Ralph L. Kilpatrick, doing
business as INDEPENDENT OIL
COMPANY,

Defendant.

Answer to Interrogatories

Filed Oct 16 1941
R. S. Luch
Chick

ANNA SEES, as Administratrix
of the Estate of C. W. Sees,
Deceased,

Plaintiff,

VS.

WILSON LAW, RALPH L. KILPATRICK
AND RALPH L. KILPATRICK doing
business as Independent Oil
Company,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

AMENDED COMPLAINT.

1. The Plaintiff, Anna Sees, as Administratrix of the Estate of C. W. Sees, Deceased, claims of the Defendants Twenty-five Thousand Dollars (\$25,000.00) damages, for that on to-wit, April 18, 1940, Plaintiff's intestate was driving along or over the public paved highway known as United States Highway Number 31, running from Bay Minette, Alabama, to Montgomery, Alabama, at a point in Baldwin County, Alabama about one and one-half miles northeast of the Court House in Bay Minette, Alabama, at a point where a dirt road, known as the Pensacola Road, intersects the said highway, and that at the said time and place he became in danger of being run into or against by the automobile truck then as aforesaid driven by the said Wilson Law. Plaintiff avers that the said Defendant, Wilson Law, while so engaged in operating the said automobile truck, within the line and scope of his employment by the said Ralph L. Kilpatrick, and Ralph L. Kilpatrick doing business as Independent Oil Company, became aware of Plaintiff's intestate's danger of being run into or against by the automobile truck which he was driving, and thereafter negligently caused said automobile truck to run into, upon or against Plaintiff's intestate, and as a proximate result of said negligence Plaintiff's intestate was killed, for all of which Plaintiff claims damages as aforesaid; hence this suit.

2. The Plaintiff, Anna Sees, as Administratrix of the Estate of C. W. Sees, Deceased, claims of the Defendants Twenty-five

Thousand Dollars (\$25,000.00) damages, for that on to-wit, April 18, 1940, Plaintiff's intestate was driving along or over the public paved highway known as United States Highway Number 31, running from Bay Minette, Alabama to Montgomery, Alabama, at a point in Baldwin County, Alabama about one and one-half miles northeast of the Court House in Bay Minette, Alabama, at a point where a dirt road, known as the Pensacola Road, intersects the said highway, and then and there, Wilson Law, the agent, servant or employee of the Defendants, Ralph L. Kilpatrick and Ralph L. Kilpatrick doing business as Independent Oil Company, while acting within the line and scope of his employment, negligently drove an automobile truck into or against Plaintiff's intestate and by reason thereof and as a proximate result and consequence thereof, Plaintiff's intestate was killed instantly; for all of which Plaintiff claims damages as aforesaid; hence this suit.

3. The Plaintiff, Anna Sees, as Administratrix of the Estate of C. W. Sees, Deceased, claims of the Defendants Twenty-five Thousand Dollars (\$25,000.00) damages, for that on to-wit, April 18, 1940, Plaintiff's intestate was driving along or over the public paved highway known as United States Highway Number 31, running from Bay Minette, Alabama to Montgomery, Alabama, at a point in Baldwin County, Alabama about one and one-half miles northeast of the Court House in Bay Minette, Alabama, at a point where a dirt road, known as the Pensacola Road, intersects the said highway, and then and there, Wilson Law, the agent, servant or employee of the Defendants, Ralph L. Kilpatrick and Ralph L. Kilpatrick doing business as Independent Oil Company, while acting within the line and scope of his employment, wilfully or wantonly ^{injured Plaintiff's intestate by driving} ~~drove~~ a motor truck into, upon, over or against Plaintiff's intestate, and by reason thereof and as a proximate consequence and result thereof, Plaintiff's intestate was killed, for all of which Plaintiff claims damages as aforesaid; hence this suit.

Plaintiff demands a trial of this said cause by jury.

J. B. Blashburn
Attorney for Plaintiff.

J. B. Blashburn
Attorney for Plaintiff.

6602
RECORDED
AMENDED COMPLAINT.

ANNA SEES, as Administratrix
of the Estate of C. W. Sees,
Deceased,

Plaintiff,

VS.

WILSON LAW, RALPH L. KILPATRICK
AND RALPH L. KILPATRICK doing
business as Independent Oil
Company,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

W. Sept 30 1941
R. M. Blackburn
Club

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

ANNA SEES, as Administratrix
of the Estate of C.W. SEES,
Deceased.

Plaintiff

VS.

WILSON LAW, RALPH L. KILPATRICK, and
RALPH L. KILPATRICK doing business
as Independent Oil Company.

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY.

AT LAW. NO. 662

11/16/41: Demand for Jury trial withdrawn by consent. Judgment by consent for the plaintiff for the sum of \$900.00; it is therefore considered and adjudged by the Court that the Plaintiff have and recover of the Defendant the said sum of \$900.00, together with the costs in this behalf expended, for which execution may issue. Judgment and costs paid the Clerk.

Received payment of the above judgment in the sum of NINE HUNDRED DOLLARS (\$900.00) the 7th, day of November, 1941.

J. B. BLACKMON,
Attorney for Plaintiff.

I, R. S. Duck, Clerk of the Circuit Court of Baldwin County Alabama, certify that this is a true and correct copy of the judgment entry in the above styled cause, as the same appears on record in the office of the Circuit Clerk of Baldwin County, Alabama.

Clerk of the Circuit Court
Baldwin County, Alabama

ANNA SEES, as Adminis-
tratrix of the Estate
of C. W. Sees, deceased,
Plaintiff,
versus -
WILSON LAW, et al.,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW NO. 662.

ANSWERS BY
THE DEFENDANT WILSON LAW
TO INTERROGATORIES PROPOUNDED
TO THE DEFENDANT BY THE PLAINTIFF.

Answer to Interrogatory No. 1.

Defendant says that his name is Wilson Law; that he is twenty-three years of age and that on April 18, 1940, he resided at Troy, Alabama.

Answer to Interrogatory No. 2.

Defendant states that on April 18, 1940, the work he was engaged in was that of driving a truck, and that he was employed by Mr. R. L. Kilpatrick, doing business as Independent Oil Company.

Answer to Interrogatory No. 3.

Defendant says that the information called for in this interrogatory is contained in his answer to Interrogatory No. 2.

Answer to Interrogatory No. 4.

Defendant says that on April 18, 1940, he was driving a truck with trailer tank loaded with gasoline which he had obtained at Mobile, Alabama, and was hauling it to Troy, Alabama, for his employer.

Answer to Interrogatory No. 5.

Defendant says that on April 18, 1940, he was in Baldwin County, Alabama, and that the reason, and what he was doing in Baldwin County, Alabama, has been fully set forth in the answer to the above numbered interrogatory.

Answer to Interrogatory No. 6.

Defendant says that he was driving the motor vehicle which was involved in an accident with C. W. Sees in Baldwin County, Alabama, on April 18, 1940. The defendant further says that the motor vehicle he was driving was a 1940 International Truck with trailer tank attached.

Answer to Interrogatory No. 7.

Defendant says that the load capacity of the motor vehicle which he was operating on April 18, 1940, was 3002 gallons and that at the time he was carrying 2999 gallons of gasoline, the weight of which was approximately 9 tons.

Answer to Interrogatory No. 8.

Defendant says that he did see C. W. Sees prior to the accident in which he was killed and at the time he first saw him, C. W. Sees was on the Pensacola Road approximately 75 yards southeast of its intersection with U. S. Highway No. 31, on which the defendant was traveling.

Answer to Interrogatory No. 9.

Defendant says that at the time he first saw C. W. Sees, Sees was driving in a northwestwardly direction along the Pensacola Road approximately 75 yards from its in-

tersection with the highway on which the defendant was traveling, and that at the time, defendant was driving on U. S. Highway No. 31 in a northerly direction and his motor vehicle was approximately 75 yards from the intersection of U. S. Highway No. 31 and the Pensacola Road.

Answer to Interrogatory No. 10.

Defendant says that the motor vehicle he was driving first reached the intersection of the highway on which he was traveling and the Pensacola Road.

Answer to Interrogatory No. 11.

Defendant says that at the time he first saw C. W. Sees, the motor vehicle defendant was operating was traveling on the right side of the highway with reference to the center line.

Answer to Interrogatory No. 12.

Defendant says that the motor vehicle he was operating did cross the center line of the highway, on which he was traveling, as soon as it became apparent that C. W. Sees was not going to stop his motor vehicle at the intersection for the stop sign, as he was required to do by law, and defendant further says that it was at this time that he pulled the truck which he (the defendant) was operating to the left and crossed the center line to try to prevent C. W. Sees from running into the truck defendant was operating and that all of this happened between the time he first saw C. W. Sees and the time the motor vehicle driven by C. W. Sees ran into the truck operated by defendant.

Answer to Interrogatory No. 13:

Defendant says that the motor vehicle he was operating did cross the center line of the highway, on which he was traveling, as soon as it became apparent that C. W. Sees was not going to stop his motor vehicle at the intersection for the stop sign, as he was required to do by law, and defendant further says that it was at this time that he pulled the truck which he (the defendant) was operating to the left and crossed the center line to try to prevent C. W. Sees from running into the truck defendant was operating, and that all of this happened between the time defendant first saw C. W. Sees and the time the motor vehicle defendant was driving came to a stop after the accident.

Answer to Interrogatory No. 14.

Defendant says that the motor vehicle he was operating traveled approximately 100 yards between the time he first saw C. W. Sees and the place where he came to a stop after the accident.

Answer to Interrogatory No. 15.

Defendant says that after the accident the truck he was operating had been driven entirely off of the left or west side of the paved highway and was entirely off the paved highway when it came to a stop.

Answer to Interrogatory No. 16.

Defendant says that the motor vehicle which was being driven by C. W. Sees came onto the highway, on which defendant was traveling, without first having stopped at the intersection, as was required by law, and ran

into and struck the motor vehicle which defendant was operating.

Answer to Interrogatory No. 17.

Defendant says that the front part of the motor vehicle being driven by C. W. Sees ran into and struck the right front fender, cab and door of the truck defendant was operating.

Answer to Interrogatory No. 18.

Defendant says that he had pulled the truck he was driving almost entirely off of the left or west side of the highway with reference to the center line thereof, so that only the right wheels of the truck remained on the highway, and that the motor vehicle operated by C. W. Sees ran into the right side of the truck defendant was operating just about opposite the intersection of the highway with the Pensacola Road on the left or west side of the center line of the paved highway.

Answer to Interrogatory No. 19.

Defendant says that the right front fender, cab, door, axle and shell, all on the right side of the truck he was driving, were damaged when the motor vehicle C. W. Sees was driving ran into and struck the truck defendant was operating.

Answer to Interrogatory No. 20.

Defendant says that no part of the motor vehicle which he was operating struck a bank or other object or obstruction after the accident.

Answer to Interrogatory No. 21.

Defendant says that the motor vehicle he was driving had only one seat.

Answer to Interrogatory No. 22.

Defendant says that he declines to answer this interrogatory, on the advice of counsel, as he is informed that it calls for irrelevant, incompetent and immaterial testimony.

Wilson Law ✓

STATE OF ALABAMA, |
COUNTY OF PIKE. |

Personally appeared before me,
Q R B O J
a Notary Public in and for said
State and County, Wilson Law,
one of the defendants in the above entitled cause who,
being by me first duly sworn, on oath deposes and says
that the foregoing answers to the interrogatories propounded to him by the plaintiff are true and correct to the best of his knowledge, information and belief.

Wilson Law ✓

Subscribed and sworn to before me
this 27th day of September, 1941.

Q R B O J n.p.

Notary Public, Pike County, Alabama

I, as attorney of record for the plaintiff in the above entitled cause, hereby accept service of a copy of the foregoing answers to the plaintiff's interrogatories, and waive any further notice of the filing thereof.

Dated, this 27th day of September, 1941.

J. B. Blackburn
Attorney for Plaintiff

NOV 1941
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

ANNA SEES, as Adminis-
tratrix of the Estate
of C. W. Sees, deceased,

Plaintiff,

versus -

WILSON LAW, et al.,

Defendants.

Filed Sept 27 1941
R. S. Such
Clerk

ANSWERS BY THE
DEFENDANT WILSON
LAW TO INTERROG-
ATORIES PROPOUN-
ED TO THE DEFEND-
ANT BY THE PLAIN-
TIF.

Hybart & Chason;
Armbrecht, Inge, Twitty
& Jackson, Attorneys
for Defendants

ANNA SEES, as Administratrix
of the Estate of C. W. SEES,
Deceased,

Plaintiff

versus

WILSON LAW, et al

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

No. 662

Now comes Wilson Law, one of the defendants in the above
styed cause, and demurs to the complaint heretofore filed
in said cause and to each and every count thereof separately
and severally upon the following separate and several grounds:

1. Said count does not allege sufficient facts to state
cause of action against said defendant.
2. Said count does not allege sufficient facts to show a
legal duty owing from said defendant to the plaintiff's
intestate at the time and place of matters and things
complained of.
3. Said count does not sufficiently allege a breach of
legal duty owing from said defendant to the plaintiff's
intestate at the time and place of the matters and things
complained of.
4. Said count does not allege sufficient facts to show
that the death of plaintiff's intestate proximately resulted
from the defendant's negligence.
5. Said count fails to show a causal connection between
the alleged negligence and the death of the plaintiff's
intestate.
6. For aught appearing from said count said defendant
was not guilty of negligence after he is alleged to have

become aware of plaintiff's intestate's danger of being run into by the automobile truck that said defendant was driving.

8. For aught appearing from said count said defendant did not become aware of plaintiff's intestate's danger of being run into or against by the automobile truck which it is alleged said defendant was driving until after it was too late for said defendant to have avoided the alleged accident by the exercise of reasonable care on his part.

9. It does not sufficiently appear from the facts alleged in said count that said defendant knew of plaintiff's intestate's impending danger in sufficient time for said defendant to have avoided the alleged accident by the exercise of reasonable care on his part.

10. It does not sufficiently appear from the facts alleged in said count that said defendant knew of the impending danger of plaintiff's intestate in sufficient time for said defendant to have avoided the alleged accident.

11. For aught appearing from the facts alleged in said count, said defendant could not have avoided the alleged accident after becoming aware of the danger of plaintiff's intestate.

12. The allegation in said count that said defendant negligently caused said automobile truck to run into, upon or against plaintiff's intestate is but a conclusion of the pleader and is not supported by an allegation of sufficient facts to show that said defendant was guilty of negligence in the premises.

13. Said count attempts to set forth the quo modo of the negligence complained of and the facts as set forth in

said count are not sufficient to show negligence on the part of said defendant.

14. The allegation in said count that plaintiff's intestate was killed as a proximate result of the alleged negligence of said defendant is but a conclusion of the pleader and is not supported by an allegation of sufficient facts to show a causal connection between the alleged negligence and the death of plaintiff's intestate.

15. Said complaint is vague, indefinite and uncertain in that it does not appear from the caption thereof or from either of said counts who is being sued in addition to the defendant, Wilson Law.

Olynbrecht, Inge, Smith & Jackson
by bart K. Asson
Atty for Plaintiff

RECORDED
DEMU RIVER.

ANNA SEES, AS Administrator
of the Estate of C. W. SEES,
Deceased,

Plaintiff,

Versus

WILSON LAW, ET AL,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW No 662.

FILED 23 DAY OF AUGUST, 1941.

P. S. Such
clerk
30/44
R. S. Such
clerk

Handwritten signature

DEPARTMENT OF THE ARMY, WASHINGTON, D. C.

MEMORANDUM FOR THE RECORD

DATE: 10/10/41

TO: THE CHIEF OF BUREAU OF MILITARY AIRCRAFT
FROM: THE CHIEF OF BUREAU OF MILITARY AIRCRAFT
SUBJECT: [Illegible]

*Filed Sept 30 1941
R. S. [Illegible]*

10-10-41

RECEIVED

10-10-41

RECEIVED

ANNA SEES, as Administratrix
of the Estate of C.W. Sees,
Deceased,

Plaintiff,

Vs.

WILSON LAW, RALPH L. KILPATRICK,
RALPH L. KILPATRICK doing business
as Independent Oil Company,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

No. 662.

Now comes Wilson Law, one of the Defendants in the above styled cause, and demurs to the amended Complaint, and to each and every count thereof, separately and severally, and assigns as grounds therefor, the original separate and several grounds of demurrer heretofore filed August 23, 1941, and also assigns the following additional ground of demurrer to Count 3 as last amended, viz:-

SIXTEEN:

That said count as last amended does not allege that Defendant willfully and wantonly injured Plaintiff's intestate.

Hybert + Chason
Arndrecht + Ince Smith + Jackson
Attorneys for Defendants.

ANNA SEES, as Adminis-	§		
tratrix of the Estate	:	IN THE CIRCUIT COURT OF	
of C. W. Sees, deceased,	§		
	:	BALDWIN COUNTY, ALABAMA.	
Plaintiff,	§		
	:		
versus -	§	AT LAW	NO. 662.
	:		
WILSON LAW, et al.,	§		
	:		
Defendants.	§		

ANSWERS TO
INTERROGATORIES
PROPOUNDED TO THE
DEFENDANT, RALPH L. KILPATRICK.

Answer to Interrogatory No. 1.

Defendant says his name is Ralph L. Kilpatrick; that he is thirty-four years of age, and that his place of residence is Troy, Alabama.

Answer to Interrogatory No. 2.

Defendant says that on April 18, 1940, he was engaged in business; defendant further says that he was engaged in the oil business, and that he operated same as an individual under the trade name of Independent Oil Company and that he was the sole owner thereof.

Answer to Interrogatory No. 3.

Defendant says that on April 18, 1940, Wilson Law was employed by him, individually and doing business under the trade name of Independent Oil Company, and that the said Wilson Law was employed as a truck driver.

Answer to Interrogatory No. 4.

Defendant says that Wilson Law was his agent, servant or employee, acting within the line and scope of his

employment or authority, at the time C. W. Sees drove his motor vehicle onto U. S. Highway No. 31, in Baldwin County, Alabama, on April 18, 1940, without first having stopped at said intersection, as said C. W. Sees was required to do by law.

Answer to Interrogatory No. 5.

Defendant says that the International Motor Truck that was driven by Wilson Law in Baldwin County, Alabama, on April 18, 1940, belonged to the Independent Oil Company.

Answer to Interrogatory No. 6.

Defendant says that the Independent Oil Company, to whom the license tag for the International Motor Truck which was driven by Wilson Law in Baldwin County, Alabama, on April 18, 1940, was issued, was on the said date an individual venture and that the defendant, Ralph L. Kilpatrick, of Troy, Alabama, was the sole owner thereof.

Answer to Interrogatory No. 7.

Defendant says that Wilson Law was employed by him doing business as Independent Oil Company at the time C. W. Sees drove his motor vehicle out onto the highway without first having stopped, as required by law, and struck the right side of the motor vehicle driven by Wilson Law on April 18, 1940, and that Wilson Law at the time was driving defendant's truck loaded with gasoline from Mobile, Alabama, to Troy, Alabama.

Answer to Interrogatory No. 8.

Defendant says that gasoline was being carried on the motor truck driven by Wilson Law at the time C. W. Sees

was killed in Baldwin County, Alabama, on April 18, 1940, and that the gasoline belonged to the Independent Oil Company.

Answer to Interrogatory No. 9.

Defendant says that the International Motor Truck which was being driven by Wilson Law in Baldwin County, Alabama, at the time C. W. Sees drove onto U. S. Highway No. 31, without having first stopped as was required by law, on April 18, 1940, was not licensed as a public-carrier of freight, as said motor vehicle is not used in hauling freight for hire but is used entirely by the defendant in his business.

R. L. Kilpatrick ✓

STATE OF ALABAMA, |
COUNTY OF PIKE. |

Personally appeared before me, AL Boyd a Notary Public in and for said State and County, Ralph L. Kilpatrick, one of the defendants in the above entitled cause, who, being by me first duly sworn, on oath deposes and says that the foregoing answers to the Interrogatories propounded to him by the plaintiff are true and correct to the best of his knowledge, information and belief.

R. L. Kilpatrick ✓

Subscribed and sworn to before me this 27th day of September, 1941.

AL Boyd, N.P.

Notary Public, Pike County, Alabama

I, as attorney of record for the plaintiff in the above entitled cause, hereby accept service of a copy of the foregoing answers to the plaintiff's interrogatories, and waive any further notice of the filing thereof.

Dated, this 27th day of September, 1941.

J. B. Blackburn
Attorney for Plaintiff

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

ANNA SEES, as Admin-
istratrix of the Es-
tate of C. W. Sees,
deceased,

Plaintiff,

versus -

WILSON LAW, et al.,

Defendants.

Ans Sept 27 1941

D. S. Jackson
Bluck

ANSWERS TO INTERROG-
ATORIES PROPOUNDED
TO THE DEFENDANT,
RALPH L. KILPATRICK.

Hybart & Chason

Armbrecht, Inge, Twitty
& Jackson, Attorneys
for Defendants.

ANNA SEES, as Administratrix
of the Estate of C. W. Sees,
Deceased,

Plaintiff,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER

VS. WILSON LAW, et als,

Defendants.

INTERROGATORIES TO BE PROPOUNDED TO THE DEFENDANT,
WILSON LAW.

1. What is your name and age, and where did you reside
on April 18, 1940?

2. What work were you engaged in and by whom were you

employed on April 18, 1940?

3. If your answer to the foregoing interrogatory states
that you were employed on April 18, 1940, were you employed on the

said date by an individual, a partnership or a corporation? If by an

individual, give his or her correct name. If by a partnership, give

the name of the firm and the names of the partners composing it. If

a corporation, give its name and state where it was incorporated.

4. What service or services were you rendering for your

employer on April 18, 1940?

5. State whether you were in Baldwin County, Alabama, on

April 18, 1940, and if your answer discloses that you were in Baldwin

County, Alabama, on the said date, state fully whether or not you

were on the said date on business for or doing work for your employer

and if so state fully what work you were doing in Baldwin County,

Alabama on the said date.

6. Were you driving the motor vehicle which killed C.

W. Sees in Baldwin County, Alabama, on April 18, 1940? If your answer

discloses that you were the driver of such motor vehicle give the

name and make of such vehicle and describe fully the kind and character

of such vehicle, explaining fully whether there was a trailer attached

to or forming a part of such vehicle.

7. What was the load capacity of the motor vehicle which

you were operating on April 18, 1940 and what was carried thereon? If a liquid, how many gallons and what was the weight thereof?

8. Did you see C. W. Sees prior to the accident in which he was killed? If so, what was his position at the time you first saw him with reference to the highway on which you were traveling?

9. If you saw C. W. Sees prior to the accident in which he was killed what was the position of his motor vehicle at the time you first saw him with reference to the intersection of the highway on which you were traveling with the road known as the Pensacola Road, and what was the position of your motor vehicle, and in which direction were you traveling at that time?

10. Which motor vehicle first reached the intersection of the highway over which you were traveling and the Pensacola Road immediately prior to the accident in which C. W. Sees was killed - the motor vehicle operated by you - or the motor vehicle operated by C. W. Sees?

11. State whether the motor vehicle which you were operating at the time C. W. Sees was killed was on its own right side of the center line of the highway on which you were traveling when you first saw C. W. Sees.

12. Did the motor vehicle which you were operating cross the center line of the highway on which you were traveling between the time you first saw C. W. Sees and the time your motor vehicle collided with his motor vehicle?

13. Did the motor vehicle which you were operating cross the center line of the highway on which you were driving between the time you first saw C. W. Sees and the time your motor vehicle came to a stop after the accident?

14. How far did the motor vehicle which you were operating travel between the time you first saw C. W. Sees and the place it came to a stop after the accident?

15. What was the position of the motor vehicle which you

you were driving with reference to the paved highway at the place it came to a stop immediately after the accident?

16. State whether or not the motor vehicle which you were driving struck the motor vehicle that was being driven by C. W. Sees?

17. What part of the motor vehicle which you were driving struck the motor vehicle that was being driven by C. W. Sees and what part of the Sees motor vehicle was struck?

18. Did the motor vehicle which you were operating strike the motor vehicle that was being driven by C. W. Sees on the paved highway? If so, state just where this impact occurred, explaining fully the position of each vehicle on the paved highway with reference to the center line and sides thereof.

19. What part of the motor vehicle which you were driving at the time of the accident was damaged at the time the motor vehicle which you were driving struck the motor vehicle that was being driven by C. W. Sees?

20. Did any part of the motor vehicle which you were operating at the time of the said accident in which C. W. Sees was killed strike a bank or other obstruction after the accident? If so what bank or other object was hit or struck by your motor vehicle and explain fully what part of your motor vehicle hit the bank or obstruction and on which side of the road was the bank or obstruction which was hit or struck?

21. How many seats did the motor vehicle which you were driving have in it?

22. How many people were riding in the motor vehicle which you were operating at the time of the accident?

23. If your answer to the foregoing interrogatory discloses that there was one or more persons in the motor vehicle which you were driving at the time of the accident, give their name or names and their respective places of residence.

J. T. Blackburn
Attorney for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally 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 17th day of July, 1941.

Ora S. Nelson

Notary Public, Baldwin County, Alabama.

RECEIVED

JUL 19 1941

BEN REEVES, Sheriff
PIKE COUNTY, ALA.

*Executed this the
27th day of July 1941
by sending a copy
of the within notice
of interrogatories on
Wilson Law.*

*Ben Reeves, Sheriff,
Pike Co.
W. J. Sureson, D. F.*

INTERROGATORIES.

ANNA SEES, as Administratrix
of the Estate of C. W. Sees,
Deceased,

Plaintiff,

VS.

WILSON LAW, et als,

Defendants.

IN THE CIRCUIT COURT OF,
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 162.

*Filed July 17, 1941
P. S. Duck, Clerk*

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

ANNA SEES, as Administratrix
of the Estate of C. W. SEES,
Deceased,

Plaintiff

versus

WILSON LAW, et al

Defendant

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA

AT LAW

No. 662

Now comes Ralph L. Kilpatrick and Ralph L. Kilpatrick, doing business as Independent Oil Company, and separately and severally demur to the complaint heretofore filed in this cause, and to each and every count thereof separately and severally upon the following separate and several grounds:

1. Said count does not allege sufficient facts to state cause of action against said defendant.
2. Said count does not allege sufficient facts to show a legal duty owing from said defendant to the plaintiff's intestate at the time and place of matters and things complained of.
3. Said count does not sufficiently allege a breach of legal duty owing from said defendant to the plaintiff's intestate at the time and place of the matters and things complained of.
4. Said count does not allege sufficient facts to show that the death of the plaintiff's intestate proximately resulted from the negligence of an agent, servant or employee of the said defendant.
5. Said count fails to show a causal connection between the alleged negligence and the death of the plaintiff's intestate.
6. For aught appearing from said count, the driver of said truck was not acting within the line and scope of his

employment as an agent, servant or employee of said defendant at the time and place of the alleged accident.

7. For aught appearing from said count the driver of said truck was not in operating said truck acting within the line and scope of his employment by said defendant.

8. The allegation that said defendant, Wilson Law, was acting as an agent, servant or employee of one of said defendants at the time of the alleged accident is in the alternative and it does not sufficiently appear from the allegations of said count for whom said defendant was acting as an agent, servant or employee at the time of the alleged accident.

9. Said count is vague, indefinite and uncertain, in that it does not sufficiently appear therefrom for which of said defendants Wilson Law was acting as an agent, servant or employee at the time of the alleged accident.

10. The allegation contained in said count that "plaintiff avers that the said defendant, Wilson Law, while so engaged in operating the said automobile truck, within the line and scope of his employment by the said Ralph L. Kilpatrick, Ralph L. Kilpatrick, doing business as Independent Oil Company, a co-partnership, or Independent Oil Company, a corporation," became aware of Plaintiff's intestate's danger of being run into is vague, indefinite and uncertain, in that it does not sufficiently appear therefrom for whom the plaintiff claims that said Wilson Law was acting as an agent, servant or employee at the time of the alleged accident.

11. Said count does not allege sufficient facts to show that said defendant's agent, servant or employee was guilty of negligence in the premises.

12. For aught appearing from said count, said defendant's agent, servant or employee was not guilty of negligence after becoming aware of plaintiff's intestate's danger of being run into or against by the automobile truck which said agent, servant or employee was driving.

13. For aught appearing from said count, said defendant's agent, servant or employee did not become aware of plaintiff's intestate's danger of being run into or against by the automobile truck which it is alleged he was driving until after it was too late for said agent, servant or employee to have avoided the alleged accident by the exercise of reasonable care on his part.

14. It does not sufficiently appear from the facts alleged in said count that said defendant's agent, servant or employee knew of plaintiff's intestate's impending danger in sufficient time for said agent, servant or employee to have avoided the alleged accident by the exercise of reasonable care on his part.

15. It does not sufficiently appear from the facts alleged in said count that said defendant's agent; servant or employee knew of plaintiff's intestate's impending danger in sufficient time for said agent, servant or employee to have avoided the alleged accident.

16. For aught appearing from the facts alleged in said count defendant's agent, servant or employee could not have avoided the alleged accident after becoming aware of the danger of plaintiff's intestate.

17. The allegation in said count that said defendant's agent, servant or employee negligently caused said automobile truck to run into upon or against plaintiff's intestate is but a conclusion of the pleader and is not supported by an allegation of sufficient facts to show that said agent, servant, or employee was guilty of negligence

in the premises.

18. Said count attempts to set forth the *quo modo* of the negligence complained of and the facts as set forth in said count are not sufficient to show negligence on the part of said defendant's agent, servant or employee.

19. The allegation in said count that the plaintiff's intestate was killed as a proximate result of said negligence is but a conclusion of the pleader and is not supported by an allegation of sufficient facts to show a causal connection between the alleged negligence and the death of plaintiff's intestate.

20. The allegation contained in said count that the defendant, Wilson Law, was acting within the line and scope of his employment by said defendant at the time of said accident is but a conclusion of the pleader and is not supported by an allegation of sufficient facts to show that said Wilson Law was then and there acting as an agent, servant or employee of said defendant.

21. It does not sufficiently appear from the allegations of said count that the defendant, Wilson Law, was, in operating said truck at the time of said accident, acting within the line and scope of his employment as an agent, servant or employee of said defendant.

22. Said count is vague, indefinite and uncertain in that it does not sufficiently appear from the allegations thereof that the defendant, Wilson Law, was acting within the line and scope of his employment by said defendant in operating said truck at the time of said accident.

23. For aught appearing from the allegations of said count the defendant, Wilson Law, was an agent, servant or employee

of said defendants but was not acting within the line and scope of his said employment in operating said truck at the time of the alleged accident.

24. For aught appearing from the allegations of said count, the defendant, Wilson Law, was acting as an agent, servant or employee of some person other than said defendant and was not acting as an agent, servant or employee of said defendant in operating said truck at the time and place of the matters and things complained of.

25. Said count is vague, indefinite and uncertain in that it does not appear from the allegations thereof who is being sued in addition to the defendant, Wilson Law.

26. For aught appearing from said complaint, neither of said defendants is being sued in this cause.

27. Said complaint is vague, indefinite and uncertain in that it does not appear from the caption thereof or from either of said counts who is being sued in addition to the defendant, Wilson Law.

*Ambricht, Gage, Twitty & Jackson
Deputy & Reason
Attys for Wleft.*

RECORDED

DEMURRER.

ANNA SEES, as Administrator
of the Estate of C. W. SEES,
Deceased,

Plaintiff,

vs.

WILSON LAW, ET AL.

defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW No. 662.

FILED 23 DAY OF AUGUST, 1941

R. S. Arch
Clerk

Returned Sept 30 1941
R. S. Arch
Arch

ANNA SEES, as Administratrix
of the Estate of C. W. Sees,
Deceased,

Plaintiff,

VS.

WILSON LAW, et als,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER _____

INTERROGATORIES TO BE PROPOUNDED TO THE DEFENDANT,
RALPH L. KILPATRICK.

1. Please state your name, age and place of residence.
2. Were you engaged in business on April 18, 1940? If so state what business you were engaged in and state fully whether the said business was an individual venture, a partnership or a corporation. If an individual venture were you the sole owner thereof? If a partnership give the firm name and names and addresses of all partners interested therein. If a corporation give its name, state where it was incorporated and where it had its principal place of business on the said date.
3. If your answer to the foregoing interrogatory discloses that you were engaged in business on April 18, 1940, was Wilson Law employed by you or by the business in which you were interested on the said date and if your answer to this question discloses that he was so employed, what were his duties at that time?
4. Was Wilson Law your agent, servant or employee, acting within the line and scope of his employment or authority at the time C. W. Sees was killed in Baldwin County, Alabama on April 18, 1940? If your answer to this question discloses that the said Wilson Law was not your agent, servant or employee at the time C. W. Sees was killed in Baldwin County, Alabama on April 18, 1940, then state by whom he was employed, for whom was he acting and state what duties he was performing for his employer at the time of the said accident?
5. To whom did the International motor truck that was driven by Wilson Law, in Baldwin County, Alabama, on April 18, 1940 belong? If an individual, give his or her name and place of residence.

If a partnership, give its firm name, the place where it does business and the names and addresses of all of the partners interested therein; if a corporation, give its full and correct name, its principal place of business and where it was incorporated.

6. State whether the Independent Oil Company, to whom the license tag for the International motor truck that was driven by Wilson Law in Baldwin County, Alabama on April 18, 1940 was issued, was on the said date an individual venture or business, a partnership or a corporation; if an individual venture give the name and address of the owner thereof; if a partnership give the firm name, the place where it does business and the names and addresses of all of the partners interested therein; if a corporation, give its full and correct firm name, its place of business and state where it was incorporated.

7. By whom was Wilson Law employed at the time C. W. Sees was killed in Baldwin County, Alabama on April 18, 1940, state what duties he was performing at that time and for whom were such duties being performed?

8. What was being carried on or by the motor truck that was being driven by Wilson Law at the time C. W. Sees was killed in Baldwin County, Alabama on April 18, 1940 and to whom did such property belong? If your answer to this question discloses that the said truck was hauling or transporting property that did not belong to the owner of the said motor vehicle, was the said property so transported being carried for hire? If so, state what relation existed between the owner of the goods so carried and the said Wilson Law.

9. Was the International motor truck that was being driven by Wilson Law in Baldwin County, Alabama at the time C. W. Sees was killed on April 18, 1940, or the owner thereof, licensed as a public carrier of freight in the manner provided by the "Alabama Motor Carrier Act of 1931", and if so attach to your answers to these interrogatories a true and exact copy of the permit issued by the Alabama Public Service Commission to the owner or operator of the said motor truck and also attach to your answers to these interrog-

atories a true and correct copy of the bond required by the laws of Alabama to be carried by such carrier which was in force and effect on the said date.

J. B. Blackburn
Attorney for Plaintiff.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally 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 17th day of July, 1941.

Ora L. Nelson

Notary Public, Baldwin County, Alabama.

RECEIVED

JUL 19 1941

BEN REEVES, Sheriff
PIKE COUNTY, ALA.

Executed this the
27th day of July 1941
by serving a copy
of the within notice
of interrogatories on
Ralph L. Kiepatner
Ben Reeves, Sheriff
Pike Co
W. L. Luceow, D. F.

INTERROGATORIES.

ANNA SEES, as Administratrix
of the Estate of C. W. Sees,
Deceased,

Plaintiff,

VS.

WILSON LAW, et als,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 662.

Filed July 17, 1941

R. B. Blackburn, Clerk

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

662