

R.T.SORRELL.
Plaintiff

VS.

GEORGE LINDSEY ET AL.
Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW, NO 829.


CITATION OF APPEAL.

TO ANY SHERIFF OF TH STATE OF ALABAMA. GREETING:

Whereas, at a term of the Circuit Court of Baldwin County, Alabama, held on the 6th day of November 1945. in a certain cause in said Court wherein R.T. SORRELL was plaintiff and GEORGE LINDSEY and CHARLES CAMPBELL, Individually and as partners operating and doing business as FRUITDALE Lumber Company was defendants, a Judgement was rendered against said Plaintiff, (Motion fo set aside verdict overruled and denied November the 8th 1945) to reverse, which the said plaintiff on the 30th day of January 1946 applied for and obtained an appeal returnable to the Supreme Court of the State of Alabama to be held at Montgomery Alabama, on the 1st day of April 1946. and the necessary security for costs have been given by the said plaintiff, with S.M. Adams and F.B. Nihart as sureties.

NOW THEREFORE, you are hereby commanded to cite the said George Lindsey and Charles Campbell Individually, and as partners operating and doing business as the Fruitdale Lumber Company to appear at the Spring term of our Supreme Court and defend said appeal if they think proper.

IN WITNESS WHEREOF I, R.S. Duck as clerk of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and affixed the seal of office on this the 31st day of January 1946.


R.S. DUCK
Clerk of the Circuit Court
of Baldwin County, Alabama.

No 829

Received in office this the

31st day of ~~November~~ January

1946

H. B. Barrett

Sheriff,

Executed this the 1 day of

February 1946

by serving a copy of the with
in citation of appeal on
J. E. Blackburn, Attorney of
record for the Defendants.

H. B. Barrett

Sheriff.

R. T. SORRELL.

Plaintiff.

VS.

GEORGE LINDSEY ET AL.

Defendants

CITATION OF APPEAL.

RECORDED

Issued January 31st 1946

R. T. Sorrell

RECORDED

R. T. SORRELL,

Plaintiff,

VS.

GEORGE LINDSEY AND CHARLES
CAMPBELL, Individually and
as Partners operating and
doing business as Fruitdale
Lumber Company,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER ____.

PLEA

(a) The Defendants, ^{further} for answer to the Complaint, saith that at the time of the Plaintiff's alleged injury and on to-wit, July 20, 1943, the said Plaintiff was employed by S. M. Adams, who, as such employer was then subject to all of the provisions of the Workman's Compensation Law of Alabama (Article 2 Chapter 5, Title 26, Sections 262-313 both inclusive, of the 1940 Code of Alabama) at which time the Defendants were also subject to the provisions of the Workman's Compensation Law of Alabama because of which the said Plaintiff cannot recover in this cause an amount greater than the compensation provided for such injuries in the said Workman's Compensation Act.

J. T. Blackburn
Attorney for Defendants.

[Handwritten signature]

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the following should be given to the fact that the
of the following consideration for the purpose of the

RECORDED

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REC-01-10-01

VS

BALDWIN COUNTY, ALABAMA

GEORGE LINDSEY AND
CHARLES CAMPBELL, INDIVIDUALLY
AND AS PARTNERS OPERATING
AND DOING BUSINESS AS FRUITDALE
LUMBER COMPANY
DEFENDANTS

AT LAW.

And now comes the Plaintiff and demurs to Defendant's Pleas 4 and 5, separately and severally, and for grounds thereof says:

10

That said plea sets out no facts which constitute negligence on the part of the Plaintiff.

2.

That said plea is but the conclusion of the pleader.

3.

That said plea sets out no facts which constitute an answer to the Complainant's complaint.

BIBBE & HALL

BY Shustace
Attorneys for Plaintiff.

6
R. T. SORRELL
PLAINTIFF,

VS

GEORGE LINDSEY AND CHARLES
CAMBELL, INDIVIDUALLY AND
AS PARTNERS OPERATING AND
DOING BUSINESS AS FRUITDALE
LUMBER COMPANY

DEFENDANTS.

RECORDED

RECORDED

R. T. SORRELL,

PLAINTIFF,

VS.

GEORGE LINDSEY, et al,

DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

And now comes the Plaintiff and moves the Court to set aside the verdict heretofore rendered in this cause, and grant a new trial and for grounds thereof says:

1. That the verdict is contrary to law.
2. That the verdict is contrary to the evidence.
3. That the verdict is contrary to the law and evidence.
4. That the verdict is contrary to the great weight of the evidence.

BEEBE & HALL

By: *J. S. Lee*
Attorneys for the Plaintiff.

The above and foregoing motion is ordered annulled and denied and plaintiff excepts - This 8th day of November, 1940 -

J. W. Stare
Judge

~~Aug 8 1945~~

End

R. Z. Sarnell

Wata Dec 1945

V. P. 136

Fenddale Lumber Co
et al

RECORDED

material to Interstate
Audant

Jan 8 1945
R. Sarnell
End

RECORDED

R. T. SORRELL

Plaintiff

vs

GEORGE LINDSEY AND CHARLES
CAMPBELL, Individually, and
as Partners operating and
doing business as Fruitdale
Lumber Company
Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

NO. _____

And now comes the Plaintiff and for answer to the
interrogatories heretofore propounded by the Defendants, says:

1. R. T. Sorrell. 65. Daphne, Alabama, Route 1.
2. S. M. Adams, Mobile, Alabama. Log scaler and wood
checker.

3. Yes. Scaling logs.

4. No.

5. Dr. C. G. Goddard, Fairhope, Alabama.

6. Do not know. S. M. Adams said he did not carry
Workman's Compensation insurance.

7. No.

8. No.

9. Some time in April, 1943. The exact date I do not
recall.

10. April, 1943.

11. Have worked for S. M. Adams on only one occasion.

Began April, 1943.

12. No.

13. Not that I know of.

14. No.

15. No.

R. T. Sorrell

STATE OF ALABAMA
BALDWIN COUNTY.

Before me, the undersigned authority, personally appeared

R. T. SORRELL, who is known to me and who, having been by me first duly sworn, deposes and says that the foregoing answers to the interrogatories filed by the Defendant are true and correct.

R. T. Sorrell

Subscribed and sworn to before me on this the 7 day of October, 1943.

Wm. L. Lee

Notary Public, Baldwin County, Alabama

pages 29 45

R. T. SORRELL
PLAINTIFF

VS

GEORGE LINDSEY AND CHARLES
CAMPBELL, Individually and
as partners operating and doing
business as Fruitdale Lumber Co.,
DEFENDANTS

RECORDED

ANSWERS TO INTERROGATORIES.

RECORDED

Filed.

10-8-43

P.S. Duck.

R. T. SORRELL,

Plaintiff,

VS.

GEORGE LINDSEY AND CHARLES
CAMPBELL, Individually and
as Partners operating and
doing business as Fruitdale
Lumber Company,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER ____.

DEMURRER

Now comes the Defendant, Charles Campbell, and for
demurrer to the Complaint says:

1. That it does not state a cause of action.
2. The allegations of negligence contained therein
are the conclusions of the pleader.

J. B. Blochman
Attorney for Defendant, Charles
Campbell.

Handwritten notes and stamps:
- "Filed" (vertical stamp)
- "1913" (vertical stamp)
- "JAN 10 1913" (horizontal stamp)
- "BALDWIN COUNTY, ALABAMA" (horizontal stamp)
- "CIRCUIT COURT" (horizontal stamp)
- "RECEIVED" (horizontal stamp)
- "JAN 10 1913" (horizontal stamp)
- "J. B. Blochman" (handwritten signature)
- "Attorney for Defendant, Charles Campbell" (handwritten text)

4

DEMURRER

R. T. SORELL,

Plaintiff,

VS.

GEORGE LINDSEY AND CHARLES CAMPBELL, Individually and as Partners operating and doing business as Fruitdale Lumber Company,

Defendants.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NUMBER 829

*Filed
10-2-1943
R. T. Soress
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are the consequences of the breach.

1. The allegations of negligence contained therein

2. That it does not show a cause of action.

demanded to the complaint are:

Now comes the defendant, GEORGE LINDSEY, and for

DEFENDANT

Defendants:

THAT the defendant
SORELL, plaintiff, as plaintiff
as defendant, operating and
SORELL, individually and
GEORGE LINDSEY AND CHARLES

AS

Plaintiff,

R. T. SORELL:

IN THE
BALDWIN COUNTY, ALABAMA
IN THE CIRCUIT COURT OF

R. T. SORRELL,

Plaintiff,

VS.

GEORGE LINDSEY AND CHARLES
CAMPBELL, Individually and
~~as Partners operating and~~
doing business as Fruitdale
Lumber Company,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER ____.

PLEAS

Now comes Charles Campbell, individually, and for
answer to the Plaintiff's complaint says:

1. That he is not guilty of the matters and things
alleged in the Complaint.
2. That the allegations of the said complaint are
untrue.
3. He denies each and every allegation of the said
complaint.
4. For further answer to the said complaint the said
Defendant says that the Plaintiff himself was guilty of negligence
which proximately contributed to cause the injuries complained of
by him in his said complaint.

J. T. Blackburn
Attorney for Charles Campbell.

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Ed. [unclear]*

Please

7

RECORDED

RECORDED

R. T. SORRELL,

Plaintiff,

VS.

GEORGE LINDSEY AND CHARLES
CAMPBELL, Individually and
as partners operating and
doing business as Fruitdale
Lumber Company,

Defendants.

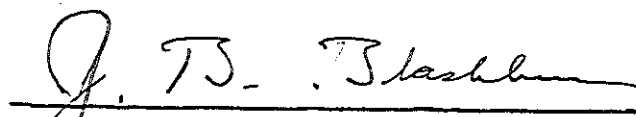
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER ____.

PLEAS

Now come George Lindsey, individually, and the Fruitdale Lumber Company, a Partnership composed of George Lindsey and Charles Campbell, separately and severally, and for answer to the Plaintiff's complaint say:

1. That they are not guilty of the matters and things alleged in the complaint.
2. That the allegations of the said complaint are untrue.
3. They and each of them deny each and every allegation of the said complaint.
4. For further answer to the said complaint the said Defendants say: That the Plaintiff, himself, was guilty of negligence which proximately contributed to cause the injuries complained of in this: That at the time and place complained of the Plaintiff negligently stepped into the side of Defendants' trailer and the said Defendants aver that the alleged injuries of the Plaintiff were the proximate result of the said negligent act of the said Plaintiff.
5. For further answer to the said Complaint the said Defendants say that the Plaintiff, himself, was guilty of negligence which proximately contributed to cause the injuries complained of by him in his said complaint.


Attorney for George Lindsey and
Fruitdale Lumber Company, a Partnership
composed of George Lindsey and Charles
Campbell.

829 2

PLEAS

R. T. SORRELL,

Plaintiff,

VS.

GEORGE LINDSEY AND CHARLES
CAMPELL, Individually and as
partners operating and doing
business as Fruitdale Lumber
Company,

Defendants.

~~RECORDED~~

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER ____.

200 July 25-1944
Campbell

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

~~RECORDED~~

~~RECORDED~~

~~RECORDED~~

R. T. SORRELL,

Plaintiff,

VS.

GEORGE LINDSEY AND CHARLES
CAMPBELL, INDIVIDUALLY AND
AS PARTNERS OPERATING AND
DOING BUSINESS AS FRUITDALE
LUMBER COMPANY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER _____.

PLEA

Now come the Defendants and for further Plea to the
Complaint and to each and every count thereof separately and sever-
ally say:

(B) The Plaintiff in this cause cannot recover an
amount greater than the compensation provided for such injuries in
and by the Workman's Compensation Act of Alabama because at the
time of the Plaintiff's alleged injuries and on the 20th day of
July, 1943, he was employed by S. M. Adams, as a log scaler and
wood checker under a contract of employment which commenced during
the month of April, 1943; that on July 20, 1943 the said employer,
S. M. Adams, regularly employed more than eight employees; that the
said employer, S. M. Adams, and the said employee, R. T. Sorrell,
had not agreed in writing that the said contract of employment between
them would not be subject to the provisions of the Workman's Comp-
ensation Act of Alabama and that written or printed notice was not
given by either party to the other that the said contract of employ-
ment would not be subject to the Workman's Compensation Act of
Alabama prior to the date of the accident for which this suit was
brought and that on the said date and on July 20, 1943 the Defendant
regularly employed more than eight employees and was subject to the
provisions of the Workman's Compensation Act of Alabama.

J. B. Blackburn
Attorney for Defendants.

PLEA

R. T. SORRELL,

Plaintiff,

VS.

GEORGE LINDSEY AND CHARLES
CAMPBELL, INDIVIDUALLY AND
AS PARTNERS OPERATING AND
DOING BUSINESS AS FRUITDALE
LUMBER COMPANY,

Defendants.

~~RECORDED~~

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 829.

*Filed March 1st,
1945*

*Ed J. [Signature]
Clerk*

~~RECORDED~~

APR 18 1946

STATE OF ALABAMA - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1945-46

1 Div. 255

R. T. Sorrell

v.

George Lindsey et al.

Appeal from Baldwin Circuit Court.

LAWSON, JUSTICE:

The appellant, plaintiff below, brought suit against appellees, defendants below, to recover damages for personal injuries.

There were verdict and judgment for defendants. Thereafter, the plaintiff filed a motion to set aside the verdict and grant new trial. This motion was overruled by the trial court.

2.

The only assignment of error on this appeal is the refusal of the trial court to set aside the verdict of the jury and to grant the plaintiff a new trial on the ground that the verdict was contrary to the evidence. Therefore, the only question to be here decided is whether or not, after allowing all reasonable presumptions of the correctness of the verdict, the preponderance of the evidence against the verdict is so decided as to clearly convince us that it is wrong and unjust. - Cobb v. Malone and Collins, 92 Ala. 630, 9 So. 738.

We deem it unnecessary to discuss the testimony, but after a careful and painstaking review of it, we are not persuaded in view of the familiar rule announced in Cobb v. Malone and Collins, supra, that a reversal should be rested upon this action of the court. The evidence was in conflict as to how the injury occurred. There was evidence which, if believed, authorized the verdict which was rendered. The trial judge had the witnesses before him and had the advantage of observing their manner and demeanor on the stand. We cannot affirm that the preponderance of the evidence against the verdict is so decided as to clearly convince us that it is wrong and unjust. - Bell v. Nichols et al., 245 Ala. 274, 16 So. 2d 799; Southern Railway Company v. Kirsch, 150 Ala. 659, 43 So. 796.

The judgment of the lower court is affirmed.

Affirmed.

Gardner, C. J., Foster and Stakely, JJ., concur.

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1st Div., No. 255,

R.T. Sorrell, Appellant,

vs.

George Lindsey, et al., Appellee,

From Baldwin Circuit Court.

The State of Alabama,
City and County of Montgomery, }

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages, numbered from one to 100 inclusive, contain a full, true and correct copy of the opinion of said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme
Court of Alabama, this the 18th day of

April, 19 46

J. Render Thomas
Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 1945-46

1st Div., No. 255

R. T. Sorrell

Appellant,

vs.

George Lindsey, et al.

Appellee.

From Baldwin Circuit Court.

COPY OF OPINION

BOOK BINDING CO., MONTGOMERY, ALA., 1946

Two copies
R. T. Sorrell

RECORDED

R. T. SORRELL,

Plaintiff,

VS.

GEORGE LINDSEY AND CHARLES
CAMPBELL, Individually and
as Partners operating and
doing business as Fruitdale
Lumber Company,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER _____.

INTERROGATORIES TO BE PROPOUNDED BY THE DEFENDANTS
TO THE PLAINTIFF UNDER TITLE 7, SECTION 477 OF THE
1940 CODE OF ALABAMA.

1. Give your name, age and place of residence.
2. By whom were you employed on July 20, 1943 and what were your duties as such employee on the said date?
3. Were you engaged in work for your employer at the time you were injured on July 20, 1943? If so, state what work you were doing for your employer at the time you were injured on said date?
4. Did you go to a hospital for treatment of the injury which you received on July 20, 1943? If so, state the name and place of such hospital, the date you were received by it as a patient and the date on which you were discharged therefrom.
5. Please give the name and address of each and every doctor who treated you for the injury which you received on July 20, 1943.
6. Was your employer, and were you as employee, subject to the terms and provisions of the Workman's Compensation Law of Alabama at the time you were injured on July 20, 1943?
7. Have you made any claim for compensation under the Workman's Compensation Law of Alabama for the injury which you received on July 20, 1943? If so, when and to whom was such claim made?
8. What compensation has been paid you for the injuries received on July 20, 1943? If such payments have been made give the dates and amounts and state by whom such payments were made?

R. T. SORRELL,

Plaintiff,

VS.

GEORGE LINDSEY AND CHARLES
CAMPBELL, Individually and
as Partners operating and
doing business as Fruitdale
Lumber Company,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER _____.

INTERROGATORIES TO BE PROPOUNDED BY THE DEFENDANTS
TO THE PLAINTIFF UNDER TITLE 7, SECTION 477 OF THE
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4. Did you go to a hospital for treatment of the injury which you received on July 20, 1943? If so, state the name and place of such hospital, the date you were received by it as a patient and the date on which you were discharged therefrom.
5. Please give the name and address of each and every doctor who treated you for the injury which you received on July 20, 1943.
6. Was your employer, and were you as employee, subject to the terms and provisions of the Workman's Compensation Law of Alabama at the time you were injured on July 20, 1943?
7. Have you made any claim for compensation under the Workman's Compensation Law of Alabama for the injury which you received on July 20, 1943? If so, when and to whom was such claim made?
8. What compensation has been paid you for the injuries received on July 20, 1943? If such payments have been made give the dates and amounts and state by whom such payments were made?

9. When did you accept employment with the party for whom you were working on July 20, 1943?

10. When did you first commence work for the party for whom you were working on July 20, 1943?

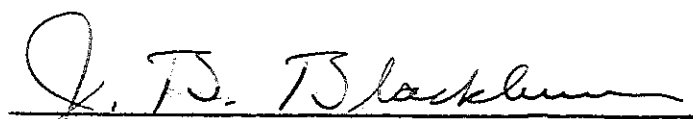
11. If you have worked for the party for whom you were working on July 20, 1943, on more than one occasion, when did you commence work the last time?

12. Was there a written agreement in existence on July 20, 1943 between your employer and yourself by which the two of you agreed that as employer and employee you would not be subject to the provisions of the Workman's Compensation Law? If so, attach an original copy of such agreement to your answer to these interrogatories.

13. Did your employer, at the time you were injured on July 20, 1943 and immediately prior thereto, have posted in a conspicuous place in his place of business a written or printed notice showing that he elected not to accept or be bound by the Workman's Compensation Law of Alabama? If so, attach a copy to your answers hereto.

14. Did your employer, at any time prior to your injury on July 20, 1943, serve, or have a written notice served on you showing that he elected not to be bound by the Workman's Compensation Law of Alabama? If so, attach a copy of such notice to your answers to these interrogatories.

15. Did you, at any time prior to your accident on July 20, 1943, notify your employer in writing that you would not accept or be bound by the provisions of the Workman's Compensation Law of Alabama, and file a copy, with an affidavit showing service on your employer, for record in the office of the Judge of Probate of Baldwin County, Alabama? If so, attach a true and exact copy thereof to your answers to these interrogatories.


Attorney for the Defendants.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Ora S. Nelson, a Notary Public, 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 attorney for the Defendants in the above entitled cause and that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Defendants in the said cause.

J. B. Blackburn

Sworn to and subscribed before me on this the 2nd day of October, 1943.

Ora S. Nelson

Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Ora S. Nelson, a Notary Public, 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 attorney for the Defendants in the above entitled cause and that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Defendants in the said cause.

J. B. Blackburn

Sworn to and subscribed before me on
this the 2nd day of October, 1943.

Ora S. Nelson

Notary Public, Baldwin County, Alabama.

RECORDED

Granted by running
a copy of the within
during advice on
about March, after
per G. O. Sorrell, the
Heard by
this and day of Oct 1943
W. O. Shuck & Son
by James D. Wilcox, S.S.

Also sub 829
INTERROGATORIES TO BE PROPOUNDED
BY THE DEFENDANTS TO THE PLAINTIFF

R. T. SORRELL,

Plaintiff,

VS.

GEORGE LINDSEY AND CHARLES
CAMPBELL, Individually and as
Partners operating and doing
business as Rutdale Lumber
Company,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

RECORDED

Filed Oct 2, 1943
J. B. Blackburn
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon GEORGE LINDSEY and CHARLES CAMPBELL, individually, and as partners operating and doing business as Fruitdale Lumber Company, to appear within thirty days from the service of this writ in the Circuit Court to be held for the said County at the place of holding the same, then and there to answer the Complaint of R. T. Sorrell.

Witness my hand this the 25 day of August, 1943.

R.S. Owen
Clerk.

R. T. SORRELL,
PLAINTIFF

VS

GEORGE LINDSEY AND
CHARLES CAMPBELL, INDIVIDUALLY
AND AS PARTNERS OPERATING AND
DOING BUSINESS AS FRUITDALE
LUMBER COMPANY
DEFENDANTS

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

1.

The Plaintiff claims of the Defendant the sum of SIX THOUSAND DOLLARS as damages for that heretofore on, to-wit, July 20th, 1943, the Plaintiff was employed and carried on his business of log scaler or log checker in the woods at a point approximately one mile north and three miles east of Loxley, in Baldwin County, Alabama, where he had a right to be, and at said time and place the Defendants's servant, agent or employee, whose name is to the Plaintiff unknown, and while acting in the line and scope of his authority as such servant, agent or employee, negligently caused an automobile truck to run over, upon or against the Plaintiff, and as a proximate result of said negligence, the Plaintiff was injured as follows: his left hip was dislocated and otherwise injured; his left thigh was injured; he was otherwise physically injured and caused to suffer great physical pain, and mental anguish; that he was caused to lose time from his work and will continue to lose much time from his work in the future; that he was permanently injured; that he was rendered permanently disabled to earn a livelihood; that he incurred expenses for medicines, medical, surgery and hospital services; that he incurred doctor bills, all to the damage of the Plaintiff in the sum herein sued for.

Plaintiff avers that said injuries to Plaintiff were proximately caused by the negligence of the Defendants acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment;

2 The Plaintiff claims of the Defendant the sum of \$6,000.00 as damages for that heretofore on, to-wit, July 20th, 1943, the Plaintiff was employed and carried on his business of log scaler or log checker in the woods at a point approximately one mile north and three miles east of Loxley, in Baldwin County, Alabama, where he had a right to be, and at said time and place the Defendants's servant, agent or employee, whose name is to the Plaintiff unknown, and while acting in the line and scope of his employment as such servant, agent or employee, wilfully and wantonly injuring the Plaintiff by causing an automobile truck to run over, upon or against him and as a proximate result, Plaintiff was injured as follows: his left hip was dislocated and otherwise injured; his left thigh was injured; he was otherwise physically injured and caused to suffer great physical pain, and mental anguish; that he was caused to lose time from his work and will continue to lose much time from his work in the future; that he was permanently injured; that he was rendered permanently disabled to earn a livelihood, that he incurred expenses for medicines, medical, surgery and hospital services; that he incurred doctor bills, all to the damage of the Plaintiff in the sum herein sued for.

BEEBE & HALL

By Shun Lall
Attorneys for Plaintiff.

Plaintiff demands a trial by jury.

Received 26 Day of August 1943
and on 26 Day of August 1943
I served a Copy of the within 8/27/43
on George Lindsey as a Partner
Hennel George Lindsey as a Partner
by service on Operating & Maint. Oak Lbr. Co.
+ on 9/2/43 served Charles Campbell
W. H. HOLCOMBE, Sheriff
By Farmer Ferguson D.E.

FILED 8-23-43
BEEBE & HALL
LAWYERS
BAY MINETTE, ALABAMA

RECORDED

RECORDED

We the jury find
the verdict for the
defendant,
George Lindsey.

Lindsey

829

The State of Alabama,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON S. M. Adams

at the instance of the Defendants, if he should be found in your County, personally
to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court
House in Bay Minette, to wit: on the 11th, day of April, 1944
at 9 o'clock A. M. and to bring with him and produce at the time and place aforesaid, to be used as evidence

(here describe it),
Pay roll records of S. M. Adams covering all persons employed on
July 20, 1943.

Copy of Social Security Return covering period of time embracing
July 20, 1943.

and then and there testify and the truth to speak concerning all and singular those things of which he may have knowl-
edge, or the said instrument of writing doth import of, and concerning, and concerning a certain suit now pending and
undetermined in said Court, wherein R. T. Sorrell is Plaintiff
and Fruitdale Lumber Company, et als, are Defendant S.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ
with your endorsement thereon in what manner you have executed same.

Witness my hand, this 10th day of April, 1944

R. S. Luck
Clerk.

2332

No. _____

THE STATE OF ALABAMA
Baldwin County

Plaintiff

VS. SUBPOENA DECUS TECUM

Defendant.

CIRCUIT COURT

WITNESSES:

McClain was out of town in fugitive status. He was notified of being the subject of a bench warrant and appeared at the hearing. He was held in custody and released on bond. He was then taken to the jail and held there until the next day. He was then taken to the court and held there until the next day. He was then taken to the court and held there until the next day.

SET FOR TRIAL

day of _____ 192

4-10-44

1
Expts Exp "A"

STATE OF ALABAMA

COUNTY OF MONTGOMERY

I, Lloyd M. Hooper, Treasurer, Unemployment Compensation Agency, Department of Industrial Relations, hereby certify that the attached is a true and correct copy of contribution and wage reports as filed by S. M. Adams, Plateau, Alabama, (formerly Magazine, Alabama) for the third quarter, 1943.

Witness my hand this the 3rd day of November, 1944

Lloyd M. Hooper
Lloyd M. Hooper,
Treasurer

STATE OF ALABAMA
DEPARTMENT OF INDUSTRIAL RELATIONS
UNEMPLOYMENT COMPENSATION AGENCY

This form and its supporting form (UC-10-B, Revised 7-1-40) have been designed by the Unemployment Compensation Agency to be used for your convenience as a copy of the Federal Old Age Insurance Forms, SS-1-A and SS-1-B, in reporting quarterly wages of covered workers. This form may be prepared independently of the Federal form, but should a carbon copy be used the copy furnished to this agency must be clearly legible as to names, numbers and amounts or it can not be accepted. The nontaxable column (4) is not required and is for reconciliation only.

All covered workers in your employ must be reported, giving full name and Social Security Account number in Columns 1 and 2 of this report; total amount of taxable wages paid for quarter, including every form of remuneration, must be shown in Column 3. The total taxable wages for this report must agree with amounts shown in Item 4 of the Contribution Report Form CR-4, Revised 7-1-40).

Full information covering exemptions can be found in the instructions on the reverse side of your contribution report.

"Wages," as defined, means every form of remuneration paid or received for "employment" under the law (including the cash value of any remuneration) except those items specifically exempt under sub-section (1) paragraphs (1), (2), (3) and (4) of Section 2 of the Alabama Unemployment Compensation Act, as amended September 21, 1939.

FACE SHEET

NOTE: This sheet must be number one (1) of your report. If more sheets are required use "Continuation Sheet" Form UC-10-B, revised 7-1-40.

Quarter Ending Date 9-30-43 19__ B. Number of pages to this report 3

Total number of workers to whom wages were paid this quarter, including those termed as Extra Help 69

Employer Name and Address 5524-75-2411 Number

S. M. Adams

P. O. Box 5

Magazine, Alabama

Employer .5%

Employee .1%

I certify that the information contained in this report is true and correct; that the wages reported represent all wages paid during this quarter for employment subject to the law; and that no part of the employer's contribution reported was or is to be deducted from workers wages.

Signed A. V. Hunt

Title Bookkeeper

Workers Social Security Account Number (1)	Names of Workers (2)	Total Taxable Wages Paid (See Instructions above in filling out this column) (3)	Nontaxable Wages Paid (4)
417-07-2977	A. V. Hunt ✓	520.00	
422-05-7458	J. B. Long	432.00	
422-10-9548	Samp Bishop ✓	48.00	
416-09-3232	R. E. Moore	337.50	
425-09-5883	Preston Broughton ✓	70.44	
424-01-5221	R. T. Sorrell ✓	150.00	
420-03-8188	Adis Hawkins	137.98	
416-14-9858	Otis Tatum	43.64	
422-03-2283	Roosevelt Hinton	213.85	
461-12-6492	James Austin	91.74	
423-06-9679	Leslie Williams	123.30	
426-01-1550	Charley Williams	103.96	
421-01-8398	Razie Roberts	159.69	
422-05-9885	Michael Moore	168.06	
422-05-8028	Philip Waxton	183.96	
419-18-9325	David Waxton	186.96	
424-22-3008	Andrew Waxton	186.95	
422-05-8039	Joseph Psyton	295.10	
417-23-0513	Clifton Peyton	106.55	
Total For This Page—Total Taxable Wages Paid		\$ 3,391.61	
Total For This Report—Total Taxable Wages Paid		\$ 8,168.51	Total Nontaxable \$

This report, together with contribution report (Form CR-4) and remittance, must be submitted to the Alabama Unemployment Compensation Agency on or before the last day of the month following the close of the quarter reported.
REPORTS MUST BE FILED WITH THIS AGENCY. IF THERE HAVE BEEN NO OPERATIONS FOR THE PERIOD COVERED, THIS FACT SHOULD BE SO STATED.

CONTINUATION OF WAGE REPORT

5524-75-2411
S. M. Adams
Box 5
Magazine, Alabama

B. Quarter
Ending Date 9-30-43

This sheet has been designed to be used as a duplicate of Federal Form SS-1-B, or it may be prepared separately at the preference of the employer.

This copy must be legible.

Copy Employer Name, Address and No. From Form UC-10-A. Revised 7-1-40

Do Not Use This Space	Worker's Social Security Account Number (1)	Names of Workers (2)	Total Taxable Wages Paid (3)	Nontaxable Wages Paid
	421-07-8495	Arthur Moffatt	179.50	
	422-03-0925	Sid White	168.32	
	422-03-2579	Anthony Hawthorne	9.66	
	426-28-9515	E. F. Berry	101.75	
	425-36-7978	Mumroe King	41.54	
	424-22-6631	Roscoe Kyles	118.92	
	421-12-7199	Agusta McCorvey	197.40	
	417-28-2433	Fred McCorvey	71.57	
	410-14-9333	Mose Davis	173.68	
	428-20-5839	Willie Booker	47.50	
	419-18-6293	Curtis Peyton	30.92	
	423-05-8828	Selma Tate	25.75	
	418-16-5607	Foster Patterson	237.13	
	422-03-5028	Marshal Patterson	208.54	
	422-03-5040	Forest Patterson	118.36	
	420-18-5846	Walter Patterson	157.70	
	421-16-6083	Leslie Mitchel	322.27	
	425-18-6845	R. K. Mims	222.39	
	424-32-3343	Rayford Dees	60.60	
	427-32-3343	Floyd Dixon	62.47	
	424-22-6406	Daniel Johnson	86.85	
	424-22-9354	Ellis Dees	86.75	
	420-26-7897	J. B. Dossett	111.25	
	424-22-8653	Ray Busby	180.45	
	428-24-0999	Morrise King	47.37	
	427-32-5674	J. R. Nicholson	80.02	
	422-32-5121	Homer Moblin	14.00	
	424-22-5758	Urias Dees	118.45	
	420-26-7781	L. L. Loyd	30.12	
	420-16-4054	Robert Timmes	7.20	
	424-22-9105	James Lundy	61.00	
	417-28-3212	Stanley Busby	44.50	
	422-05-8319	George Dees	78.75	
	416-30-0249	John Creel	222.40	
	424-09-3525	Robert Coleman	36.95	
	422-03-2572	Dock King	264.37	
	147-28-0514	Quill Schafer ✓	15.75	
	418-28-1971	Thomas Durr	7.16	
	421-16-6902	Robert Lee Franklin	20.00	
	416-30-1012	G. D. Busby	263.50	
	263-22-8370	John McCorvey	4.50	
	422-14-5674	Lancelot Alexander	48.50	
	422-03-2634	Agusta Carter	21.50	
Total for this page only—Total Wages Paid			\$ 4,407.21	

CONTINUATION OF WAGE REPORT

5524-75-2411

S. M. Adams
Box 5
Magazine, AlabamaB. Quarter
Ending Date

9-30-43

This sheet has been designed to be used as a duplicate of Federal Form SS-1-B, or it may be prepared separately at the preference of the employer.

This copy must be legible.

Copy Employer Name, Address and No. From Form UC-10-A, Revised 7-1-40

Do Not Use This Space	Worker's Social Security Account Number (1)	Names of Workers (2)	Total Taxable Wages Paid (3)	Nontaxable Wages Paid
	417-14-8501	Early Massey	29.36	
	423-12-6943	James Henderson	56.68	
	422-03-5020	Hosea Midel	41.72	
	421-20-5245	Fred Nelson	16.42	
	425-30-2190	Homer Hayes	24.98	
	420-26-8963	Napoleon Robinson	20.47	
	419-18-6882	James Fincher	12.00	
Total for this page only—Total Wages Paid			\$ 201.63	

CIRCUIT COURT. (LAW)

R.T. Sorrell.

No. 829 vs.

~~George Lindsey et al.~~

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	
Docketing Cause, One Fee only of..... .25	25	Clerk's Fees	44 40
Issuing Summ. and Complt., each..... .125	1 25	Ex-Clerk's Fees	25 25
Issuing Alias or Branch Summons & Complaint, each 1.25		Sheriff's Fees	43 30
Making Copies Thereof, Minimum, each30	60	Ex-Sheriff's Fees	47 85
Making Copies Thereof, over 200 Words, per 100 words .15		Witness Fees	26.50
Entering Sheriff's Returns, each20	20	Commissioner's Fees	
Entering Appearances, each20	40	Garnishee's Fees	
Certifying Affidavits, each25		Publisher's Fees	
Issuing Attachments with Bond, each 1.00		Court Reporter's Fees, Per Day or fraction thereof .5.00	5 00
Orders of Publication, each50		Trial Tax 3.00	3 00
Copy of Same, each50		Supreme Court	18 00
Issuing Summ. to Garnishee, each50			
Copy of Same, Per 100 Words15			
Swearing Garnishee, Etc., Per 100 words, .15, Minimum50			
Release of Garnishee, each25			
Issuing Scire Facias or Similar Notice, each75			
Copies of Same, Per 100 Words..... .15			
Making Copy of Interrogatories, Per 100 Words, .15; Minimum50			
Commission to Take Depositions, each75			
Filing Depositions, Each Pkg.,10			
Endorsing Each Package of Depositions Opened10			
Issuing Subpoenas, Each 5630	16.80		
Issuing Witness Certificates, each 725	1 75		
Entering Continuances, each 510	50		
Filing Papers, each10	90		
Other Orders of Court, each30	60		
Trial and Incidents75	75		
Entering Judgment, each30	30		
Complete Record, Per 100 Words15	6 20		
Taking Bonds, each75	75		
Certificate of Appeal25	50		
Transcript to Supreme Court, Per 100 Words15	8 00		
Additional Copies of Same, Per 100 Words05	4 00		
Issuing Executions or Copy Thereof, each50	50		
Entering Sheriff's Return, Per 100 Words, .15; Minimum20	70		
Total Clerk's Fees	43 25		
SHERIFF'S FEES:	44 40		
Serving and Returning Summons or Writ, each 2 st 1.50	3 00		
Levyng Attachment, each S Int 3.00	1 50		
Entering and Returning Same, each25			
Seizing Personal Property Under Writ of Detinue ... 3.00			
Taking and Approving Bonds, each..... 1.00			
Summoning Garnishee and Return, each 1.50			
Serving and Returning Sci. Fa. or Notice, Each 1.50			
Serving and Returning Subpoena, each65	35.10		
Serving Contempt Attachment, each 1.50			
Impanelling Jury... G75	75		
Collecting Execution for Costs Only, each..... 1.50	1 50		
Coms. for Collecting Money on Executions			
Executing Writs of Possession, each..... 5.00			
Making Deed to Real Estate Sold, each 2.50			
Citation appeal g.....	1 50		
Total Sheriff's Fees	41 85		

43.30

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 45-46

To the Clerk of the Circuit Court,

Baldwin County—Greeting:

Whereas, the Record and Proceedings of the Circuit Court
of said county, in a certain cause lately pending in said Court between R. T. Sorrell
Appellant,
and George Lindsey, et al., etc.
Appellee S.,

wherein by said Court, ~~XXXX~~ ~~XXXX, 19XX~~, it was considered
adversely to said appellant, were brought before our Supreme Court, by appeal taken, pursuant
to law, on behalf of said appellant:

and ordered

NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered/by our Supreme Court, on
the 18th day of April, 19 46, that said judgment

of said Circuit Court be in all things
and ordered
affirmed, and that it was further considered/that the appellant, ~~and~~ R. T. Sorrell, and
S. M. Adams and F. B. Nihart, sureties on the appeal bond, pay

the costs accruing on said appeal in this Court and in the Court below, for which costs
let execution issue.

Witness, J. Render Thomas, Clerk of the Supreme
Court of Alabama, at the Capitol, this the
18th day of April, 19 46.

J. Render Thomas
Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 19 45-46.

1 Div., No. 255

R. T. Sorrell

Appellant,

vs.

George Lindsey, et al., etc.

Appellee.

From Baldwin Circuit Court.

Certificate of Affirmance

The State of Alabama, } Filed
Baldwin County.

this 22 day of April 1946

[Signature]

BROWN PRINTING CO., MONTGOMERY, ALA. 1911

RECORDED

RECORDED

R. T. SORRELL

Plaintiff

vs.

GEORGE LINDSEY AND CHARLES CAMPBELL,
INDIVIDUALLY AND AS PARTNERS OPERATING
AND DOING BUSINESS AS FRUITDALE LUMBER COMPANY.

Defendants.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA

AT LAW

We, the undersigned acknowledge ourselves security for all the cost of appeal taken to the Supreme Court by the said R. T. Sorrell, the Plaintiff, from the judgement rendered in said cause on the 7th day of November, 1945 and the judgement of November 8, 1945 over-ruling the Plaintiff's motion for a new trial.

R. T. Sorrell
Madame
F. B. Milner

Taken and Approved this the 30th day of
January, 1945.

R. D. Visk
Circuit Clerk.

108802 254

Appeal Bond

Sarull

Leadbale Jun 10

RECORDED

Dec 30 1944
V. Deel
Deel

6720

RECORDED

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Case No. 1820

Nov.

Term, 1943

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon *LR 2* *mills* S. M. Adams, Plateau or Magazine Point

if to be found in your County, at the instance of the Defendant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8:30 o'clock of the forenoon, on the 3rd day of Nov., 1943

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein R. T. Sorrell Plaintiff

and Fruitdale Lumber Company Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 26th day of Oct., 1943

R. S. Duck Clerk

7037
✓

ORIGINAL

3

Received in office this

29

day of

October

1943

W. H. Holcombe

SHERIFF

I have executed this writ

by leaving a copy
at the residence of
J. M. Adams on
the 2nd day of
November 1943

No. 829

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

R. T. SOBRIEL

J. M. Adams

Plaintiff

VS.

FRUITDALE LUMBER CO.

Defendant

CIVIL SUBPOENA

Issued this 28th day of

Oct.

1943

R. S. Duck

Clerk.

W. H. Holcombe

George Mills, Jr.

SHERIFF

10-29-43

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 829 Spring Term, 1944
CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Mr. G. C. Godard, Mrs. B. F. Sutton
Cass Kinnote
if to be found in your County, at the instance of the Plaintiff
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-
of, by 8:30 o'clock of the forenoon, on the 11th day of April, 1944
and from day to day and term to term of said Court until discharged by law, then and there to testify, and
the truth to say, in a certain cause pending, wherein R. J. Sorrell Plaintiff
and George Lindsey et al Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 5th day of April, 1944

R. S. Hancock Clerk

Received in office this _____ day of _____

194

SHERIFF

I have executed this writ

SHERIFF

ORIGINAL

No. 829

Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

R. J. Sorrell

Plaintiff

VS.

George Lindsey et al.

Defendant

CIVIL SUBPOENA

Issued this 5th

day of

May

1944

R. J. Duck

Clerk.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
Case No. 829 April Term, 1944

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon James H. Knight (Mobile) James H. Knight (407 Marshall Ave, Mobile)
James H. Knight (Mobile) S. M. Adams (Plantation)
if to be found in your County, at the instance of the Defendant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8:30 o'clock of the forenoon, on the 11th day of April, 1944

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein R. J. Larrick Plaintiff

and George Lindsey Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 5th day of April, 1944

R. S. Ducker Clerk

Received in office this

7

day of

April

1944

W. H. Holcombe

SHERIFF

I have executed this writ

by serving subpoena
on D. M. Adams
and by leaving
subpoenas at the
residence of
Jerry Hatch +
James McKing

W. H. Holcombe

SHERIFF

Noel Bernstein
W. Ferguson

1017
Mobile County

ORIGINAL

✓ 11

No. 829

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

R. J. Sorrell

Plaintiff

VS.

George Lindsey et al

Defendant

CIVIL SUBPOENA

Issued this

7th

day of

Apr

1944

R. S. Duck

Clerk.

4-7-44

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Ptg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
Case No. 829. Nov. Term, 1943

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Dr G C Godard. Mrs B F Sutton. and Cass Hinote.

if to be found in your County, at the instance of the Pltff.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8.30. o'clock of the forenoon, on the Nov. 3rd day of Nov., 1943

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein R T Sorrell. Plaintiff

and George Lindsey et al. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 23 day of Oct. 1943

[Signature] Clerk

Received in office this 23 day of

Oct

1943

W R Stuart

SHERIFF

I have executed this writ

by serving in full
10/27/43

/

ORIGINAL

No. 829

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

R T Sorrell.

Plaintiff

VS.

George Lindsey et al.

Defendant

CIVIL SUBPOENA

Issued this 23 day of

Oct.

1943

R. Lindsey

Clerk.

W R Stuart

SHERIFF

B F Zucena

Mobile
CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this
Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
} Case No. 829 Nov Term, 1943

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon *LR27*
James H. Knight, 404 Congress St., Mobile, Ala.
James H. Knight, 404 Congress St., Mobile, Ala.
if to be found in your County, at the instance of the *Deft*

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-
of, by 8:30 o'clock of the forenoon, on the 3rd day of Nov, 1943

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein R. J. Sorrell Plaintiff

and George Lindsay et al. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 21st day of Oct, 1943

H. S. Luck Clerk

Received in office this 26th day of

Oct

1943

W.R. Thurt

SHERIFF

I have executed this writ on

Jerry Hatch on
this the 27th day of
October 1943.
James McHugh
not found in
Mobile County

28 Mobile Co.

ORIGINAL

3

No. 829

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

R. I. Sorrell

Plaintiff

VS.

George Lindsey

Defendant

CIVIL SUBPOENA

Issued this

21st

day of

Oct

1943

R. S. Sprick

Clerk.

W. H. W. W. W. W.
Mose B. B. B.

SHERIFF

10-25-43

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 829 Nov Term, 1943
CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Mrs. Adelaide Sutton, Lyley, Ala.
Rev. H. C. Woodard, Fairhope
if to be found in your County, at the instance of the df ft -

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8:30 o'clock of the forenoon, on the 3rd day of Nov, 1943

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein R. I. Lowell Plaintiff

and George Lindsay et al Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 21st day of Oct, 1943

R. J. Ducha Clerk

Received in office this 21 day of

Oct

1943

W.R. Stuart

SHERIFF

I have executed this writ

by serving in full

10/27

W.R. Stuart

B.F. Guerra Ds.

SHERIFF

Baldwin

ORIGINAL

No. 829

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

A. J. Sorrell

Plaintiff

VS.

George Lindsey

Defendant

CIVIL SUBPOENA

Issued this

21st

day of

Oct

1943

R.S. Duck

Clerk.

~~CIVIL SUBPOENA—ORIGINAL~~—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term the Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

} **CIRCUIT COURT**
Case No. 829. Nov. Term, 1944

To any Sheriff of the State of Alabama, GREETING:

Mrs Adelaid Sutton. Loxley.

You are hereby commanded to summon

Dr C G Cadard. Fhope. Cass Minote. Loxley.

if to be found in your County, at the instance of the Deft.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8.30 o'clock of the forenoon, on the 8th. day of Nov., 1944

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein R T Sorrel. Plaintiff

and Fruitdale Lumber co. et al. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 20th day of Oct. 1944



Clerk

Baldwin, Co

Received in office this 20 day of

Oct

1944

W. S. Strait

SHERIFF

I have executed this writ

by serving in full

ORIGINAL

No. 829.

Page ✓

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

R T Sorrell.

Plaintiff

VS.

Fruitdale Lumber Co.

Defendant

CIVIL SUBPOENA

Issued this 20th day of

Oct.

1944

R. S. Strait

Clerk

W. S. Strait

SHERIFF

R. S. Strait

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
Nov. Term, 194⁴⁴
Case No 829.

To any Sheriff of the State of Alabama, GREETING:

*Indorse on
Baldwin Co.*

*404 Congress St
Mobile*

You are hereby commanded to summon Jerry Hutch. 407 Marshall Alley Mobile.
James McKnight. Mobile. S M Adams, Plateau. or Mag, Pt. Mobile, Co.
if to be found in your County, at the instance of the Deft.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-
of, by 8 30 o'clock of the forenoon, on the 8th day of Nov., 194⁴

and from day to day and term to term of said Court until discharged by law, then and there to testify, and
the truth to say, in a certain cause pending, wherein R T Sorrell. Plaintiff
and Fruitdale Lumber. Co. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 20t day of Oct. 194⁴

[Signature]
Clerk

Received in office this 20 day of
Oct 1944

W. H. Holcombe
SHERIFF

I have executed this writ

by serving
Harry White
& J. M. Adams

James McKnight
is working for the
Lindsay Lumber Co
in Baldwin Co

W. H. Holcombe
SHERIFF

Max Bernstein
a Varner D. F.

No. 829. Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

R T Sorrell.

Plaintiff

VS.

Fruitdale Lumber Co. et al.

Defendant

CIVIL SUBPOENA

Issued this 20th day of
Oct. 1944

[Signature]
Clerk.

10-24-44

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 829 Now Term, 1944

CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon W. M. Ruple, J. H. Green, Walter Spicant

if to be found in your County, at the instance of the Plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 10 o'clock of the forenoon, on the 8th day of Nov, 1944

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein R. J. Borrell Plaintiff

and George Lindsey et al Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 28th day of Oct 1944

R. S. Neuch Clerk

Received in office this _____ day of _____

194

SHERIFF

I have executed this writ

in full
11/4/44

ORIGINAL

No. *829* Page _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

R. J. Sarrell

Plaintiff

VS.

George Lindzey et al.

Defendant

CIVIL SUBPOENA

Issued this *28th* day of _____

Oct

194*M*

R. S. Duck

Clerk.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 829 April CIRCUIT COURT
Term, 1944

To any Sheriff of the State of Alabama, GREETING:

✓ You are hereby commanded to summon Mrs. Adelaide Sutton, Mr. H. C. Godard
+ Case Kinote

if to be found in your County, at the instance of the Defendant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8:30 o'clock of the forenoon, on the 11th day of April, 1944

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein R. J. Larell Plaintiff

and George Lindsey et al Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 2nd day of April, 1944

R. S. Webb Clerk

Received in office this _____ day of _____

194

SHERIFF

I have executed this writ

SHERIFF

ORIGINAL

No. 829

Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

R. J. Sorrell

Plaintiff

VS.

George Lindsey et al

Defendant

CIVIL SUBPOENA

Issued this 5th day of

April

1944

R. S. Luck

Clerk.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No.

829

CIRCUIT COURT

Term, 1947

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon

if to be found in your County, at the instance of the

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 830 o'clock of the forenoon, on the 8th day of January, 1947

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein

and Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this

30

day of

Oct

1947

Clerk

Received in office this _____ day of _____

194

SHERIFF

I have executed this writ

in full

W. R. [Signature]

SHERIFF

ORIGINAL

No. *829*

Page _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

R. J. Serrill

Plaintiff

vs.

George Lindsay

Defendant

CIVIL SUBPOENA

Issued this *30* day of _____

194*4*

est
R. J. Serrill

Clerk.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
Case No. 829 Nov. Term, 194 4

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Dr C G Godard. Mrs B F Sutton. Loxley.
Cass Kinote. Loxley.

if to be found in your County, at the instance of the Pltff.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8.30 o'clock of the forenoon, on the 8th day of Nov., 194 4

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein R T Sorrell. Plaintiff

and Fruitdale Lumber. Co., Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 20th day of Oct., 194 4

R. L. Smith Clerk

Baldwin. Co.

ORIGINAL

No. 829.

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

R T Sorrell.

Plaintiff

VS.

Fruitdale Lumber. Co.

Defendant

CIVIL SUBPOENA

Issued this 20th day of

Oct.

1944

R. L. Allen

Clerk.

Received in office this day of

194

SHERIFF

I have executed this writ

Issued in full

SHERIFF

W. S. Stiant

B. J. Kenna

The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 829.

CIRCUIT COURT

April. Term, 1945

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Dr C G Godard, Fairhope, Mrs B F Sutton Loxley
Cass Hinote, Loxley, W M Ruple. J H Green. Walter Durant Bay Minette
and Arch Hinote. Loxley.

if to be found in your County, at the instance of the Plaintiff.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,
by 8.30 o'clock of the forenoon, on the 10th day of April. 1945, and from day to
day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein R T Sorrel. Plaintiff

and George Lindsey et al. Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 26th day of March. 1945

R S Luck.

CLERK.

Received in office this 27 day of

March

1945

C. E. Garrett

SHERIFF

I have executed this writ

March 28 1945

By Serving Subpoenas on

W M Ruple Baymonte

Walter Durant Baymonte

J H Green Baymonte

Dr. C G Goodland Fairhope

Mrs B F Sullivan Fox bay

Cass Hmote Fox bay

Arch Hmote Fox bay

C E Garrett

SHERIFF

W D Say Jr

Baldwin County

ORIGINAL

No. 829

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

R T. Sorrell,

Plaintiff

14
15
vs.

George Lindsey et al.

Defendant

CIVIL SUBPOENA

Issued this 26th day of

March, 1945

R S Duck,

Clerk.

The State of Alabama,
Baldwin County

S. D. Page No. _____

CIRCUIT COURT

Case No. 829.

April. Term, 193⁴⁵

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Mrs Adelaid Sutton. Loxley

Dr C G. Godard Fairhope Cass Hinote Loxley

if to be found in your County, at the instance of the Defendant.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8 30 o'clock of the forenoon, on the 10th day of April. 193⁴⁵, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein R T Sorrell. Plaintiff

and George Lindsey et al. Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 26th day of March, 193⁴⁵

CLERK.

BALDWIN COUNTY

ORIGINAL

No. 829.

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

R T. Sorrel.

Plaintiff

VS.

George Lindsey et al.

Defendant

CIVIL SUBPOENA

Issued this 26th day of

March. 1945

R S Luck.

Clerk.

Received in office this 27 day of

March 1945

SHERIFF

I have executed this writ

March, 28, 1945

By Serving Subpoena

on Mrs Adelaide Sutton

Dr C. G. Goodland

Cora (pinote)

SHERIFF

C. E. Garrett
By Edward Walter

The State of Alabama,
Baldwin County

S. D. Page No. _____

CIRCUIT COURT

Case No. 829.

April.

Term, 193⁴⁵

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON ^{LR26} S M Adams. Plateau or Magazine Pt.

^{LR26} Jerry Hutch 407 Marshall Alley Mobile ^{LR28} Lames McKnight ~~xxxxxx~~

Fruitdale Lumber Co.
Mobile

if to be found in your County, at the instance of the Defendant.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8.30 o'clock of the forenoon, on the 10th day of April. 193⁴⁵, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein R T Sorrell. Plaintiff

and George Lindsey et al. Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 26th day of March. 1945

CLERK.

Received in office this 27 day of

March 1945
W. H. Holcomb

SHERIFF

I have executed this writ

By leaving Copies
at the residence
of D M Adams
Gerry Hutch &
James McKnight

MOBILE COUNTY.

1156
ORIGINAL

No. 829.

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

R T Sorrell.

Plaintiff

VS.

George Lindsey et al.

Defendant

CIVIL SUBPOENA

Issued this 26th day of

March. 1945

R S Duck.

Clerk.

3-27-45

W. H. Holcomb
Mose Benning
W. Ferguson
MOBILE CO. SHERIFF

R.T.SORRELL.
Plaintiff.

vs.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NO. 829.

GEORGE LINDSEY. ET AL:
Defendants.

CERTIFICATE OF APPEAL.

I, R.S. Duck, Clerk of the Circuit Court of Baldwin County, Alabama do hereby certify that the plaintiff R.T. Sorrell, in a cause of R.T. Sorrell, Plaintiff. Vs George Lindsey and Charles Campbell, Individually, and as a partners, operating and doing business as The Fruitdale Lumber Company Defendants, in the Circuit Court of Baldwin County, Alabama, Law side, has taken an appeal to the Supreme Court of the State of Alabama from the Judgement rendered in the said cause, and I further certify that said Appeal was taken on the 30th day of January 1946.

1946.

WITNESS my hand and seal this 31st day of January

Clerk, Circuit Court Baldwin County, Alabama.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

THE STATE OF ALABAMA, Baldwin County.
TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

S. D. Page No. _____
Case No. 829 Nov Term, 1943

YOU ARE HEREBY COMMANDED TO SUMMON

James M. Knight
404 Congress

if to be found in your County, at the instance of the Dept.
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 3rd day of Nov 1943, and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein R. J. Sorrell Plaintiff and George Lindsey Defendant.
Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 2nd day of Nov 1943

R. S. Wicks CLERK.

CIVIL SUBPOENA—COPY—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Times Pg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
Case No. 829 April Term, 1944

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon

Mrs. Adela L. Sutton

if to be found in your County, at the instance of the Defendant
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8:30 o'clock of the forenoon, on the 11th day of April 1944
and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein R. J. Sorrell Plaintiff
and George Lindsey et al Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 5th day of April 1944

R. S. Wicks Clerk

JURY LIST - FIRST WEEK

FALL TERM — NOVEMBER 5, 1945

NO.	NAME	OCCUPATION	ADDRESS
1	Ed J. Lemerise,	Newport,	Bay Minette.
2	Erwin A. Koehler,	Merchant,	Elberta.
3	Thomas Gilley,	Timber,	Lillian.
4	Norman P. Durant,	Machinist,	Bay Minette.
5	Nolan P. Cooper,	Merchant,	Rosinton.
6	Young C. Hall,	Farmer,	Bay Minette.
7	William Funk,	Shipyards,	Fairhope.
8	John Broughton,	Barber,	Bay Minette.
9	Ray Klein,	Garage,	Fairhope.
10	Roy Roberson,	Laborer,	Foley.
11	William E. Kinsey,	Farmer,	Foley.
12	Warren Wilcox,	Farmer,	Rosinton.
13	Edward Carver,	Defense,	Foley.
14	Lloyd Sheppard,	Farmer,	Foley.
15	J. Dougal Crosby,	Turpentine,	Bay Minette.
16	Henry E. Yenne,	Farmer,	Point Clear.
17	Jewel Smith,	Logging,	Latham.
18	Vernon H. Gebhart,	Defense,	Foley.
19	H. Peter Jones,	Merchant,	Bay Minette.
20	Woodrow Bryant,	Farmer,	Stockton.
21	Harry I. West,	Insurance,	Bay Minette.
22	Chester W. White,	Mechanic,	Bay Minette.
23	Phillip M. Mason,	Mgr. County Schools,	Bay Minette.
24	Royal H. Stapleton,	Merchant,	Bay Minette.
25	Herbert C. England,	Millman,	Robertsdale.
26	Roy Mahathy,	Defense,	Stapleton.
27	Tillman Allen,	Farmer,	Gateswood.
28	J. Green Jordan,	store manager,	Bay Minette.
29	Robert L. Godwin,	Mgr. Water Co.,	Bay Minette.
30	J. Harold Green,	Tire Dealer,	Bay Minette.
31	Newton Beasley,	Carpenter,	Bay Minette.
32	Paul E. Teter,	Abstractor,	Bay Minette.
33	Harry T. Corley,	Dairyman,	Bay Minette.
34	Thomas J. Davidson,	Butcher,	Bay Minette.
35	Adrian A. Ray,	Mechanic,	Bay Minette.
36	Perry Prescott,	Restaurant,	Bay Minette.
37	Forest B. Newton,	Embalmer,	Bay Minette.
38	Calvin Long,	Salesman,	Bay Minette.
39	Roy W. Thompson,	Carpenter,	Bay Minette.

/ The Court charges the Jury that if you believe the evidence in this case your verdict should be for the Defendants.

*Refused
J. M. Hare
Judge*

2. The Court charges the Jury that if you are reasonably satisfied from the evidence in this case that the Plaintiff, R. T. Sorrell, was guilty of negligence which proximately contributed to the injuries and damage for which this suit is brought, your verdict should be for the defendants.

*Given
J. M. Hare
Judge*

3. The Court charges the Jury that if you are reasonably satisfied from the evidence in this case that Plaintiff's injuries and damage were caused by an unavoidable accident, your verdict should be for the Defendants.

*Respectfully
J. W. Hare
Judge*

4. The Court charges the Jury that if you are reasonably satisfied from the evidence in this case that the Plaintiff, R. T. Sorrell, was himself guilty of negligence which proximately contributed to the injuries and damage for which this suit is brought, your verdict should be for the Defendants.

*Refused (entered 2)
J. W. Hare
Judge*

5. The Court charges the Jury that before you can find a verdict for the Plaintiff and against Defendants, you must be reasonably satisfied from the evidence in this case that Plaintiff's injuries and damage was caused by the negligence of the Defendants' agent, servant or employee and that this said negligence was the proximate cause of Plaintiff's said injuries and damage.

Reiner
L. W. Stare
Judge

6. The Court charges the Jury that if you are reasonably satisfied from the evidence in this case that Plaintiff's injuries and damage was caused by the negligence of Defendants' agent, servant or employee and that the said negligence was the proximate cause of Plaintiff's injuries and damage, your verdict for the Plaintiff cannot exceed the amount to which Plaintiff would be entitled under the Workman's Compensation Law of the State of Alabama.

Reiner
L. W. Stare
Judge

The court charges the jury
that if you believe the
evidence in this case you
cannot find for the
Plaintiff under count Two (2)
of the Complaint.

Respectfully
J. W. Stare
Judge

8. The Court charges the Jury that if you are reasonably satisfied from the evidence in this case that Plaintiff's injuries and damage were caused by a mere accident, your verdict should be for the Defendants.

Refused (Answered 3)
J. W. Hare
Judge

9. The Court charges the Jury that if you are reasonably satisfied from the evidence in this case that any witness has ^{as to any material fact} deliberately testified falsely, you may disregard his entire testimony.

Respectfully
J. W. Hare
Judge