

BETTIE O'NEAL,
PLAINTIFF

VS

J. H. BELL, JR. ET AL
DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

No. 856.

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

1. (a) Thirty four. Andalusia, Alabama, Route 5.
(b) Housekeeper.
(c) Housekeeper for self.
(d) None, in cash.
(e) Yes.
(f) Head, chest, and internal injuries.
(g) Dr. L. L. Parker, Andalusia; Dr. Hammon, Andalusia, doctor in Mobile, name not known.
(h) Over period of eight weeks.
(i) Yes.
(j) Three weeks.
2. (a) 7:20 P. M.
(b) Muriel Elizabeth Horn, Edwin O'Neal, Jack Beasley, Ray M. Horn, and self.
(c) Edwin O'Neal and Jack Beasley.
(d) Muriel Elizabeth Horn, Ray M. Horn and self.
(e) Back seat.
(f) Edwin O'Neal.
(g) L. F. Horn.
(h) Yes.
(i) Husband.
(j) On pleasure trip.
(k) Self.
(l) No. Had no control over car.
(m) No.
(n) Not that I know about.
(o) No.
3. (a) About 35 miles per hour.
(b) Yes.
(c) Did not see truck at all.
(d) Did not see it.
(e) None.
(f) Do not know.
(g) Do not know.
(h) Yes.
(i) Yes.
(j) Yes.
(k) Do not know.
4. (a) Just for the ride.
(b) Mr. and Mrs. Ray M. Horn.
(c) No.
(d) No.
(e) Muriel Elizabeth Horn, Edwin O'Neal, and Ray M. Horn, and Jack Beasley.
(f) Andalusia.
(g) about 3:20 P. M.
(h) About 5:40 P. M.
(i) About 45 minutes.
(j) No.
(k) None.

- (l) No.
- (m) None.
- (n) None.
- (o) None.
- (p) Have not seen him take a drink in three or four years.
- (q) No.
- (r) No.
- (s) None.
- (t) None.
- (u) None.
- (v) None.
- (w) None acquired.

5. (a) I have since the accident learned that the left side of the truck and trailer were on the highway.
- (b) Do not know except by hearsay.

x Bettie O'Neal

STATE OF ALABAMA
CRENSHAW COUNTY.

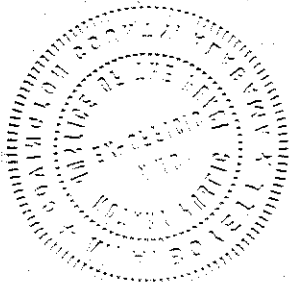
Before me, the undersigned authority in and for said County, in said State, personally appeared Bettie O'Neal, who is known to me and who, having been by me first duly sworn, deposes and says that the foregoing answers to interrogatories heretofore propounded by the Defendants in the above styled cause are true and correct.

x M. A. Bayett

1944.

Sworn to and subscribed before me on this the 10th day of July

Ex officio Justice of the Peace
Notary Public, Covington County, Alabama



STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. H. BELL, JR., LILLIE BELL individually, and LILLIE BELL as Administratrix of the Estate of J. H. Bell, Sr., doing business under the firm name and style of BELL TRANSFER COMPANY, to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the complaint of BETTIE O'NEAL.

Witness my hand this the 30th day of March, 1944.

Bell
Clerk.

BETTIE O'NEAL,
PLAINTIFF

VS

J. H. BELL, JR., LILLIE BELL,
INDIVIDUALLY AND LILLIE BELL
AS ADMINISTRATRIX OF THE ESTATE
OF J. H. BELL, SR., DOING BUSINESS
UNDER THE FIRM NAME AND STYLE OF
BELL TRANSFER COMPANY,
DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

ONE.

The Plaintiff claims of the Defendants TEN THOUSAND DOLLARS as damages for that heretofore, on to-wit, February 29th, 1944, Plaintiff was a guest in an automobile riding along a public highway commonly known as the Mobile-Montgomery Highway at a point near Camp Baldwin, in Baldwin County, Alabama; Plaintiff avers that 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, negligently and unlawfully operated an automobile truck on said highway and at said place, and as a proximate result thereof the automobile in which the Plaintiff was riding as a guest along said highway at said time at about the hour 7:25 P. M. ran into or against said truck, and as a proximate result thereof, the Plaintiff received serious bodily injuries; she was bruised and lacerated; she was injured internally; she was otherwise injured; that as a proximate consequence of said injuries she suffered much physical pain and mental anguish, and will continue to

suffer much physical pain and mental anguish for much time to come; that she was caused to lose much time from her business or profession, and will continue to lose much time from her business and profession in the future; she was permanently injured and rendered permanently disabled to earn a livelihood; she incurred heavy expenses for medicines, medical, surgical and hospital services, 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 or through their agent, servant or employee, who was then and there acting within the line and scope of his employment in so operating said truck along said highway at said point.

TWO:

Plaintiff claims of the Defendants TEN THOUSAND DOLLARS as damages for that heretofore on, to-wit, February 29th, 1944, Plaintiff was a guest in an automobile riding along a public highway commonly known as the Mobile-Montgomery Highway, at a point near Camp Baldwin, in Baldwin County, Alabama; Plaintiff avers that 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, negligently and unlawfully parked an automobile truck on said highway at said place; and as a proximate result thereof, the automobile in which the Plaintiff was riding as a guest along said highway, at said time, at about the hour 7:25 P. M. ran into said truck and, as a proximate result thereof, the Plaintiff received serious bodily injuries; she was bruised and lacerated; she was injured internally; she was otherwise injured; that as a proximate consequence of said injuries she suffered much physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish for much time to come; that she was caused to lose much time from her business or profession, and will continue to lose much time from her business and profession in the future; she was permanently injured and rendered permanently disabled to earn a livelihood; she incurred heavy expenses for medicines, medical, surgical, and hospital services, all to the damage of the Plaintiff in the sum herein sued for.

Plaintiff avers that Plaintiff's injuries and damages were proximately caused by the negligence of the Defendants, acting by and through

its agent, servant or employee, who was then and there acting within the line and scope of his employment in that they negligently and unlawfully parked said automobile truck on said highway at said point, at said time, and negligently failed to have and maintain proper signals or other warnings, and as a proximate consequence of said negligence, the said automobile in which the Plaintiff was riding as a guest was wrecked and the Plaintiff injured as herein set out.

THREE:

Plaintiff claims of the Defendants TEN THOUSAND DOLLARS as damages for that heretofore, on to-wit, February 29th, 1944, Plaintiff was a guest in an automobile riding along a public highway commonly known as the Mobile-Montgomery, at a point near Camp Baldwin, in Baldwin County, Alabama; Plaintiff avers that 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, negligently and unlawfully stopped an automobile truck on said highway at said place, and as a proximate result thereof, the automobile in which the Plaintiff was riding as a guest along said highway, at said time, at about the hour 7:25 P. M. ran into said truck and, as a proximate result thereof, the Plaintiff received serious bodily injuries; she was bruised and lacerated; she was injured internally; she was otherwise injured; that as a proximate consequence of said injuries she suffered much physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish for much time to come; that she was caused to lose much time from her business or profession, and will continue to lose much time from her business or profession in the future; she was permanently injured and rendered permanently disabled to earn a livelihood; she incurred heavy expenses for medicines, medical surgical and hospital services, all the damage of the Plaintiff in the sum herein sued for.

Plaintiff avers that Plaintiff's injuries and damages were 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, in that they negligently and unlawfully stopped said automobile truck on said highway at said point, at said time, and negligently failed to have and maintain proper signals or other warnings, and as a proximate consequence of said negligence, the

4.

said automobile in which the Plaintiff was riding as a guest was wrecked and the Plaintiff injured as herein set out.

FOUR:

PLAINTIFF claims of the Defendants TEN THOUSAND DOLLARS as damages for that, heretofore on, to-wit, February 29th, 1944, Plaintiff was a guest in an automobile riding along a public highway commonly known as the Mobile-Montgomery Highway, at a point near Camp Baldwin, in Baldwin County, Alabama; Plaintiff avers that 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, negligently and unlawfully parked or left standing an automobile truck on said highway at said point so as to block or obstruct passage along said highway; and as a proximate result thereof, the automobile in which the Plaintiff was riding along said highway at said time, about the hour of 7:25 P. M. ran into said truck and as a proximate result thereof the Plaintiff received serious bodily injuries she was bruised and lacerated; she was injured internally; she was otherwise injured; that as a proximate consequence of said injuries she suffered much physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish for much time to come; that she was caused to lose much time from her business or profession, and will continue to lose much time from her business or profession in the future; she was permanently injured and rendered permanently disabled to earn a livelihood; she incurred heavy expenses for medicines, medical, surgical and hospital services, all to the damage of the Plaintiff in the sum herein sued for.

Plaintiff avers that Plaintiff's injuries and damages 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, in parking or leaving standing the said automobile truck so as to block or obstruct passage along said highway at said place, and negligently fail to have and maintain proper signals or other warnings; that said highway was so blocked or obstructed at said point and, as a proximate consequence of said negligence, the said automobile in which the Plaintiff was riding as a guest, as aforesaid, was wrecked or turned over, and the Plaintiff injured as herein set out.

Plaintiff demands a trial by jury.

BEEBE & HALL

By

Thurke
Attorneys for Plaintiff.

BEEBE & HALL

By

Thurke
Attorneys for Plaintiff.

Executed this 1... day of April 1944.
By leaving a copy with
J. H. Bell Jr.
J. E. KENNEDY, Sheriff
D. S.

Executed this 1... day of April 1944.
By leaving a copy with
Lillie Bell
J. E. KENNEDY, Sheriff
W. C. McCain
D. S.

Executed this 1... day of April 1944.
By leaving a copy with Lillie Bell
Administratrix of the Estate of John
Bell Jr. d/b-11/18/ name and style
of Bell's Shop to company.
J. E. KENNEDY, Sheriff
W. C. McCain
D. S.

856

BETTIE O'NEAL
PLAINTIFF

VS

J. H. BELL, JR., LILLIE BELL
INDIVIDUALLY AND LILLIE BELL
AS ADMINISTRATRIX OF THE ESTATE
OF J. H. BELL, SR., DOING
BUSINESS UNDER THE FIRM NAME
AND STYLE OF BELL TRANSFER
COMPANY,

DEFENDANTS.

SUMMONS AND COMPLAINT.

200 Bonds 1944
W. C. McCain

BETTIE O'NEIL, PLAINTIFF

VS

J. H. BELL, JR., LILLIE BELL
INDIVIDUALLY AND LILLIE BELL AS
ADMINISTRATRIX OF THE ESTATE OF
J. H. BELL, SR., DOING BUSINESS UNDER
THE FIRM NAME AND STYLE OF BELL TRANS-
FER COMPANY

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

No. 856.

And now comes the Plaintiff in the above styled cause, and for
demurrer to the Defendant's pleas Two and Three, and to each separately and
severally, says:

ONE:

That said plea sets out no facts which constitute a defense to
the Plaintiff's cause of action.

TWO:

That said plea attempts to charge the Plaintiff with the negligence
of the driver of the automobile without setting out any grounds thereof.

THREE:

That said plea attempts to impute the negligence of the driver of the
automobile to the Plaintiff without showing a sufficient relationship between
the Plaintiff and the driver of the car.

FOUR:

That said plea fails to aver or show that the Plaintiff negligently
did or omitted to do anything.

FIVE:

That the said plea fails to aver that the Plaintiff had any control of
the automobile in which she was riding.

SIX:

That said plea fails to allege or aver that the Plaintiff had any
control over the driver of the automobile in which she was riding.

Page Two.

SEVEN:

That said plea fails to show that the Plaintiff had charge of the control or the operation of the automobile in which she was riding.

EIGHT:

That said plea fails to allege that the Plaintiff appreciated or was conscious of the danger that might result from the acts and conditions set out in the plea.

NINE:

That the said plea fails to allege or aver that the Plaintiff knew and appreciated the danger set out in said plea, and voluntarily put herself in the way of it.

BEEBE & HALL

By Shirley L. Beebe
Attorneys for the Plaintiff.

856

BETTIE O'NEIL, PLAINTIFF

VS

J. H. BELL, JR. ET AL
DEFENDANTS

DEMUERER.

Filed May 15-1944
J. H. Bell, Jr.
J. H. Bell, Jr.

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

10-21-44

Term, 194

Bettie O'Neal.

No. 856. vs.

J E Bell Jr et al.

BILL OF COSTS

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	12 35
Docketing Cause, One Fee only of.....	25	Clerk's Fees	
Issuing Summ. and Complt., each.....	1 25	Ex-Clerk's Fees	
Issuing Alias or Branch Summons & Complaint, each.....	1 25	Sheriff's Fees	6 00
Making Copies Thereof, Minimum, each	30	Ex-Sheriff's Fees	
Making Copies Thereof, over 200 Words, per 100 words.....	15	Witness Fees	
Entering Sheriff's Returns, each	20	Commissioner's Fees	
Entering Appearances, each	40	.....
Certifying Affidavits, each	25	Garnishee's Fees	
Issuing Attachments with Bond, each	1 00	Publisher's Fees	
Orders of Publication, each	50	.....
Copy of Same, each	50	Court Reporter's Fees, Per Day or fraction thereof.....	5 00
Issuing Summ. to Garnishee, each	50	Trial Tax	3 00
Copy of Same, Per 100 Words	15	.....
Swearing Garnishee, Etc., Per 100 words, 15, Minimum	50	.....
Release of Garnishee, each	25	.....
Issuing Seire Facias or Similar Notice, each	75	.....
Copies of Same, Per 100 Words.....	15	.....
Making Copy of Interrogatories, Per 100 Words, 15; Minimum	50	.....
Commission to Take Depositions, each	75	Fees and Costs in Inferior Court:	
Filing Depositions, Each Pkg.,	10	Clerk of Inferior Court Fees	
Endorsing Each Package of Depositions Opened	10	Sheriff's Fees	
Issuing Subpoenas, Each	30	Justice of Peace Fees	
Issuing Witness Certificates, each.....	25	Constable's Fees	
Entering Continuances, each	10	.....
Filing Papers, each	10	Fees and Costs in Inferior Court	21 35
Other Orders of Court, each	30	Total Fees and Costs	
Trial and Incidents	75	Judgment	
Entering Judgment, each	30	10 Per Cent Damages	
Complete Record, Per 100 Words	6 50	Interest	
Taking Bonds, each	75	Total Judgment	
Certificate of Appeal	25	Total Fees, Costs and Judgment	
Transcript to Supreme Court, Per 100 Words	15	Cost to 10-21-44	
Additional Copies of Same, Per 100 Words	05	.....
Issuing Executions or Copy Thereof, each	50	Total	
Entering Sheriff's Return, Per 100 Words, 15; Minimum	20		
Court, Order dismissal.....	50		
Total Clerk's Fees	12 35		
SHERIFF'S FEES:			
Serving and Returning Summons or Writ, each	3 1 50		
Lovying Attachment, each	3 00		
Entering and Returning Same, each	25		
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, Int.....	1 50		
Serving and Returning Subpoenas, each	65		
Serving Contempt Attachment, each	1 50		
Impaneling Jury.....	75		
Collecting Execution for Costs Only, each.....	1 50		
Coms. for Collecting Money on Executions			
Executing Writs of Possession, each.....	5 00		
Making Deed to Real Estate Sold, each,	2 50		
.....			
.....			
Total Sheriff's Fees	6 00		

BETTIE O'NEAL,
Plaintiff,

VERSUS

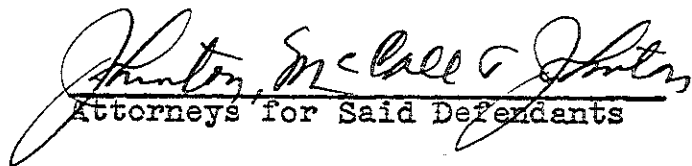
J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., Doing Busi-
ness Under the Firm Name and
Style of BELL TRANSFER COMPANY,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 856

Come the defendants, J. H. Bell, Jr., and Lillie Bell, and separately demur to Counts Two, Three and Four of the complaint, separately, upon the following separate and several grounds, namely:

1. Said count shows no breach of duty which the defendants, their servants and agents owed to the plaintiff.
2. Because the parking or stopping of the defendants' said truck upon the highway was a mere condition existing at the time and was in nowise the proximate cause of the alleged injuries to plaintiff.
3. Because no facts are averred from which the Court could infer that the injuries to the plaintiff were the proximate result of any negligence of the defendants, their servants or agents.


Attorneys for Said Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 856

BETTIE O'NEAL, Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE
BELL, Individually, and
LILLIE BELL, as Adminis-
tratrix of the Estate of
J. H. Bell, Sr., Doing
Business Under the Firm
Name & Style of BELL
TRANSFER COMPANY,
Defendants.

* * * * *

D E M U R R E R

29 Oct 1944
[Signature]

JOHNSTON, McCALL & JOHNSTON
~~XXXXXXXXXXXXXXXXXXXX~~
LAWYERS

FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

BETTIE O'NEAL,
Plaintiff,

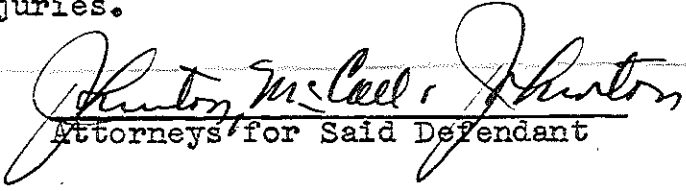
VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., Doing Bus-
iness Under the Firm Name and
Style of BELL TRANSFER COMPANY,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 856

Comes the defendant, Lillie Bell, as Adminis-
tratrix of the Estate of J. H. Bell, Sr., one of the defendants
in the above-entitled cause, and demurs to each count of the
complaint separately upon the following separate grounds:

1. Said count fails to show any breach of duty
which the defendant owed to the plaintiff.
2. Because it affirmatively appears that the said
defendant has no authority under law to engage in business.
3. Because it affirmatively appears that the said
defendant could not, as a matter of law, be a member of a firm.
4. Because the facts pleaded affirmatively show
that the Estate of J. H. Bell, Sr., could not be held liable
for the alleged injuries to plaintiff.
5. Because the parking or stopping of the defendants'
automobile truck on the highway was no more than a condition
existing at the time that the automobile in which the plaintiff
was riding ran into it, and was in nowise the proximate cause
of the plaintiff's alleged injuries.


Attorneys for Said Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 856

BETTIE O'NEAL, Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE
BELL, Individually, and
LILLIE BELL, as Adminis-
tratrix of the Estate of
J. H. Bell, Sr., Doing
Business Under the Firm
Name & Style of BELL
TRANSFER COMPANY,
Defendants.

DEMURRER

Submitted 28/1944
Johnston

JOHNSTON, McCALL & JOHNSTON
~~SAMUEL XXXXX XXXX~~ JOHNSTON

LAWYERS

FIRST NATIONAL BANK ANNEX

MOBILE, ALABAMA

BETTIE O'NEAL,
Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., Doing Bus-
iness Under the Firm Name and
Style of BELL TRANSFER COMPANY,
Defendants.

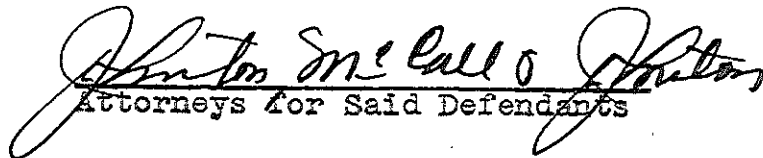
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 856

1. Come J. H. Bell, Jr. and Lillie Bell and for
answer to Count One of the complaint say they are not guilty.

2. And for further plea in their behalf to Count
One of the complaint, separately and severally, each of said
defendants says that plaintiff herself was guilty of negli-
gence which proximately contributed to her said injuries.

3. And for further plea in their behalf to Count
One of the complaint, each of the defendants says that a servant
or agent of the plaintiff, while acting within the line and
scope of his employment as such, was guilty of negligence which
proximately contributed to plaintiff's said injuries.


Attorneys for Said Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 856

BETTIE O'NEAL, Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE
BELL, Individually, and
LILLIE BELL, as Adminis-
tratrix of the Estate of
J. H. Bell, Sr., Doing
Business Under the Firm
Name & Style of BELL
TRANSFER COMPANY,
Defendants.

* * * * *

P L E A S

Deposited 28/9/44
B. O. Neal

JOHNSTON, McCALL & JOHNSTON
~~XXXXXXXXXXXXXXXXXXXX~~
LAWYERS
FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

BETTIE O'NEAL,

Plaintiff

VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., doing busi-
ness under the firm name and
style of BELL TRANSFER COMPANY,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - No. 856

The parties consenting thereto, it is ordered,
adjudged and decreed that the above-entitled cause be, and
the same is hereby, dismissed, the parties having compromised
and settled the same; and that the plaintiff do have and re-
cover of and from the defendants all costs in her behalf ex-
pended, for all of which let execution issue.

ORDERED AND ADJUDGED, this 16th day of November,
1944.

J. M. Hare
JUDGE

WE CONSENT TO THE ABOVE:

Bebe Hall
By H. C. Bebe
ATTORNEYS FOR THE PLAINTIFF

Johnston McCall
ATTORNEYS FOR THE DEFENDANTS

BETTIE O'NEAL,

Plaintiff

-VS-

J. H. BELL, JR., LILLIE BELL,
INDIVIDUALLY, and LILLIE BELL,
as Administratrix of the Estate
of J. H. BELL, SR., Doing Bus-
iness Under the Firm Name and
Style of BELL TRANSFER COMPANY,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW - NO. 856

INTERROGATORIES PROPOUNDED TO THE PLAINTIFF BY

THE DEFENDANTS:

1. (a) Please state your age and address. (b)

Were you employed on February 29, 1944? (c) In what capacity
and by whom were you employed on said date? (d) What were your
weekly earnings? (e) Were you injured in an automobile collision
on said date? (f) What injuries did you sustain? (g) Please
give the names and addresses of any or all doctors that treated
you. (h) On what dates were you treated by said doctors? (i)
Were you confined to your bed on account of the injuries suffered
in said collision? (j) If so, how many days were you confined
in bed?

2. (a) If you state that you were riding in an auto-
mobile which collided with an automobile truck on the Mobile-
Montgomery Highway at a point near Camp Baldwin, Baldwin County,
Alabama, please state what time of day said collision occurred.

(b) Who was riding in said automobile at the time? (c) Who
was riding in the front seat of the automobile? (d) Who was
riding in the back seat of said automobile? (e) Which seat
were you riding in, and on which side of the automobile were
you riding? (f) Who was driving said automobile at the time
of the collision? (g) Who owned said automobile? (h) Was
Edwin O'Neal driving said automobile at the time? (i) What
relation, if any, is Edwin O'Neal to you? (j) What was his
business at the time? (k) By whom was he employed at the
time? (l) Was he driving the automobile with your consent?

(m) Was he driving said automobile at your request or direction?
(n) Was he driving said automobile with the consent of the owner of said automobile? (o) Was he driving said automobile at either the request or direction of the owner of said automobile?

3. (a) How fast was the automobile in which you were riding going at the time of said collision? (b) Was it dark at the time of said collision? (c) When did you first see the automobile truck on the highway ahead of you? (d) How far was the automobile in which you were riding from the truck when you first saw it? (e) What warning did you give to the driver, if any, when you saw said automobile truck? (f) Why did not said driver of the automobile go around said truck at the time? (g) Were there any lights on the truck at the time of the collision? (h) Were the lights on the automobile in which you were riding in good condition? (i) Were they burning immediately before the collision? (j) Were they burning at the time of the collision? (k) Were they bright or dim at the time of the collision?

4. (a) Please state for what purpose or object you came to Mobile. (b) Who invited you to come to Mobile? (c) Did you pay your fare in coming to Mobile? (d) Did you pay any compensation for the privilege of riding in said automobile from Mobile and back to your home? (e) Who accompanied you on said trip? (f) Where did you get in said automobile? (g) What time of day did you leave the point you got in said automobile? (h) What time did you get to Mobile that day? (i) How long did you remain in Mobile? (j) Did you have a meal in Mobile? (k) If so, what meal? (l) Prior to said collision, but on the same day, did you see Edwin O'Neal and Ray M. Horn, or either of them, take any drinks of vinous, malt or spiritous liquors? (m) If you answer "Yes", please state how many drinks of intoxicating liquor they took. (n) How many drinks of intoxicating liquor did you see Edwin O'Neal take on the day of said collision? (o) How many drinks of intoxicating liquor did you see Ray M. Horn take on the day of said collision? (p) When was the last

drink that Edwin O'Neal took prior to the collision? (q)
Was Edwin O'Neal under the influence of intoxicating liquor
at the time of the collision? (r) Was Ray M. Horn under the
influence of intoxicating liquor at the time of the collision?
(s) How many drinks of intoxicating liquor had Edwin O'Neal
taken on his way to Mobile on the day of the collision? (t)
How many drinks of intoxicating liquor had Ray M. Horn taken
on the way to Mobile on the day of the collision? (u) How
many drinks did each of them take in the City of Mobile on the
day of the collision? (v) How many drinks of intoxicating
liquor did each of them take on the day of the collision on the
return trip from Mobile? (w) Do you know from whom they ac-
quired said intoxicating liquor?

5. (a) What part of the automobile truck, if any,
was on the paved portion of the highway at the time the auto-
mobile in which you were riding collided with it? (b) How
much of said truck was off the highway at said time?

John M. Callahan
Attorneys for Defendants

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority in and for said
State and County, personally appeared Sam M. Johnston, who, being
by me duly sworn, on oath deposes and says that he is one of the
attorneys for the defendants in the above-entitled cause, and
that the plaintiff's answers to the foregoing interrogatories, if
truthfully made, will be material evidence for the defendant in
the trial of this cause.

Sam M. Johnston

Subscribed and sworn to
before me this 27th
day of April 1944.

John P. Power
Notary Public, Mobile County, Alabama

Executed 4/28 19 44
by serving subpoena
on H. M. Hall
W. P. Stuart Sheriff
By Shady Hall Deputy Sheriff

856

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 856

BETTIE O'NEAL, Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE
BELL, Individually, and
LILLIE BELL, as Adminis-
tratrix of the Estate of
J. H. Bell, Sr., Doing
Business Under the Firm
Name & Style of BELL
TRANSFER COMPANY,
Defendants.

* * * * *

INTERROGATORIES TO PLAIN-
TIF

Handwritten: Filed 4/28/44
Signature: [Signature]

JOHNSTON, McCALL & JOHNSTON
~~XXXXXXXXXXXXXXXXXXXX~~

LAWYERS
FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA