

1089

PAUL CHILDRESS,

Plaintiff,

vs.

S. M. ADAMS, INC.,
A Corporation, and
GEORGE LANGHAM,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Comes the Plaintiff in the above styled cause and respectfully shows unto your Honor and unto this Court as follows:

That pursuant to the law in such cases made and provided, the Plaintiff did, on, to-wit, the 27th day of July, 1948, propound interrogatories numbered 1, 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 2, 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h), 3, 3(a), 3(b), 4, 4(a) and 4 (b) to each of the said Defendants S. M. Adams Inc., a corporation, and George Langham; that the same were served on the Defendant, S. M. Adams, Inc., a corporation, on the 30th day of July, 1948, service of which were accepted by Johnston, McCall & Johnston, by Dan T. McCall, Jr., attorneys of record for the said Defendant in this cause; that although the time allowed by law in which to answer said interrogatories has expired, yet the Defendant, S. M. Adams, Inc., a corporation, has failed and continually fails and refuses to answer interrogatories numbered 1(d), 1(e), 2(g), 4, 4(a) and 4 (b).

WHEREFORE, the premises considered the Plaintiff, Paul Childress, moves the Court to:

1. Attach the said S. M. Adams, Inc., a corporation, Defendant, and cause it to answer fully in open court through its duly authorized agents, interrogatories numbered 1(d), 1(e), 2(g), 4, 4 (a), and 4(b), respectively; and if the said Defendant's answer to interrogatory number "4" is in the affirmative that it be required to attach a copy of said insurance policy to its answer, or that it be required to furnish a copy of said insurance policy in accordance with Interrogatory Number "4(b)".

2. That the Court enter a judgment by default against the said Defendant, S. M. Adams, Inc., a corporation for reason of its failure to answer said interrogatories within the time allowed by law.

Dated this 20th day of October, 1948.

Hyatt & Hanson
Attorneys for Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Marlowe P. Stone, Jr., a Notary Public, in and for said County in said State personally appeared John Chason who, upon first being duly and legally sworn doth depose and say as follows:

That his name is John Chason; that he is one of the attorneys of record for Paul Childress case now pending in the Circuit Court of Baldwin County, Alabama, wherein Paul Childress is the Plaintiff and S. M. Adams, Inc., a corporation, and George Langham are Defendants; that he is informed and believes and upon such information and belief says:

That the Defendant S. M. Adams, Inc., a corporation, has in its possession, custody or control the insurance policy referred to in the foregoing motion, and that it is necessary and material evidence for the Plaintiff in said cause.

Sworn to and subscribed before me
this 20th day of October, 1948.

Marlowe P. Stone, Jr.
Notary Public, Baldwin County, Ala.

I, Dan T. McCall, one of the attorneys for S.M. Adams, Inc., a corporation, Defendant in the above styled cause hereby accepts service of a copy of the foregoing motion and waives further notice of the same.

Dated this 21st day of October, 1948.

Dan T. McCall, Jr.
One of the Attorneys for S. M. Adams, Inc., a corporation.

RECORDED
MOTION

PAUL CHILDRESS,
Plaintiff,

vs.

S. M. ADAMS, INC.,
A Corporation, and
GEORGE LANGHAM,
Defendants.

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

No. 1089.

Filed October 21st, 1948

Heise J. Leucke
Clerk.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

PAUL CHILDRESS,

Plaintiff,

vs.

S. M. ADAMS, INC.,
A Corporation, and
GEORGE LANGHAM,

Defendants,

1

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1

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Comes the Plaintiff, Paul Childress, and moves the Court to require the Defendant, S. M. Adams, Inc., a corporation, to produce at the trial of said cause an insurance policy issued to the said S. M. Adams, Inc., a corporation, upon the automobile truck which was being driven by George Langham, one of the Defendants in said cause, which automobile truck was involved in the collision out of which this cause arose, which said policy was in force and effect at the time of said collision and Plaintiff says that such policy is necessary and material evidence for the Plaintiff in said cause.

Dated this 21 day of October, 1948.

STATE OF ALABAMA

BALDWIN COUNTY

Hyperbolic
Attorneys for Plaintiff.

Before me, Malcolm P. Stone, Jr., a Notary Public in and for said State and County, personally appeared John Chason, who is known to me and who after being by me first duly and legally sworn deposes and says under oath as follows:

That his name is John Chason; that he is one of the attorneys for the Plaintiff in the above styled cause; that he is informed and believes and upon such information and belief says: That the insurance policy referred to in the foregoing motion is necessary and material evidence for the Plaintiff in said cause, and is in the custody or control of said Defendant.

Sworn to and subscribed before
me, this 21ST day of October, 1948.

Malcolm P. Stone, Jr.
Notary Public, Baldwin County,
Alabama.

I, Dan T. McCall, one of the attorneys for S. M. Adams, Inc., a corporation, Defendant in the above styled cause hereby accepts service of a copy of the foregoing motion and waives further notice of the same.

Dated this 21st day of October, 1948.

Dan T. McCall, Jr.
One of the Attorneys for S. M.
Adams, Inc., a corporation.

RECORDED MOTION

PAUL CHILDRESS,
Plaintiff,

vs.

S. M. ADAMS, INC.,
A Corporation, and
GEORGE LANGHAM,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE. No. 1089.

Filed October 21st 1948.

Alice J. Jencks
Clerk.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

PAUL CHILDRESS,
Plaintiff,

vs.

S. M. ADAMS, INC.,
a corporation, and
GEORGE LANGHAM,
Defendants.

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

NO. 1089

Comes S. M. Adams, Inc., a corporation, one of the Defendants in the above styled cause, and demurs to each count of the Complaint, separately and severally, on the following separate and several grounds.

1. Because the facts averred in said count are insufficient to show a breach of any duty owing by the Defendant to the Plaintiff.

2. Because said count fails to aver that the Defendant negligently injured the Plaintiff.

3. Because said count fails to aver Plaintiff's alleged injuries and damages were the proximate result of Defendant's negligence.

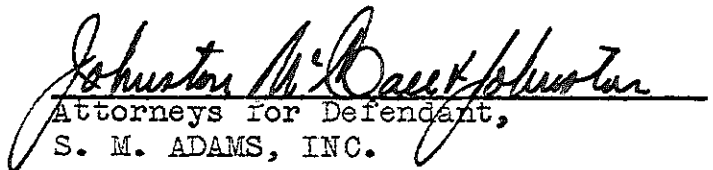
4. Because said count does not aver that Plaintiff was injured and damaged as approximate result of Defendant's negligence.

5. Because said count does not aver sufficient facts to show that the Defendant negligently conducted its business.

6. Because the allegations of said count are insufficient to charge the Defendant with negligence.

7. Because said count does not aver, wherein Defendant negligently conducted its business.

8. Because the Defendant has undertaken to aver facts constituting negligence which averments are insufficient.


Attorneys for Defendant,
S. M. ADAMS, INC.

RECORDED
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
LAW SIDE.

NO. 1089

PAUL CHILDRESS,
Plaintiff,

vs.

S.M. ADAMS, INC., A
corporation, and GEORGE
LANGHAM,

Defendants.

- - - - -
DEMURRER OF THE DEFENDANT
S. M. ADAMS, INC., TO THE
COUNTS 1 & 2 OF THE COM-
PLAINT.

FILED

OCT 7 1947

ALICE J. DUCK, Clerk

JOHNSTON, MCCALL & JOHNSTON
LAWYERS
SUITE 804, FIRST NATIONAL BANK ANNEX
MOBILE 4, ALABAMA

Paul Childress

VS

George Langhorn

This defendant denies the Plaintiff and
demurs herof

This defendant is not guilty

George Langhorn

RECORDED

Filed
4-9-48
Alice J. Luck
clerk

PAUL CHILDRESS,

Plaintiff,

vs.

S. M. ADAMS, INC., a
corporation and GEORGE
LANGHAM,

Defendants.

IN THE CIRCUIT COURT OF

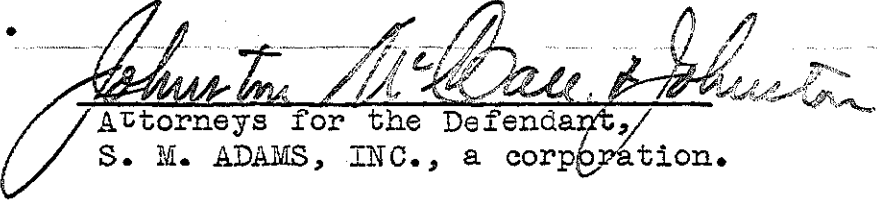
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

NO. 1089

1. The Defendant, S. M. ADAMS, INC., a corporation, for answer to the Complaint in its behalf says it is not guilty.

2. And for further plea to each count of the Complaint, separately and severally, the Defendant, S. M. ADAMS, INC., a corporation, says that at the time and place complained of in the Complaint, the Plaintiff, himself, was guilty of negligence, which proximately contributed to his alleged injuries and damages.


Attorneys for the Defendant,
S. M. ADAMS, INC., a corporation.

injuries and damages.

negligence, which constitutes contributory negligence on the part of

the defendant, the plaintiff, therefore, was entitled to recover on

the contract, and the same was also due to the plaintiff's negligence

and recovery, and the same was also due to the plaintiff's negligence

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RECORDED

FILED

MAR 1 1948

ALICE J. DUCK, Clerk

W. H. HARRIS, JR., & COMPANY,
ATTORNEYS AT LAW, NEW YORK, N. Y.

W. H. HARRIS, JR., & COMPANY,
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ATTORNEYS AT LAW, NEW YORK, N. Y.

W. H. HARRIS, JR., & COMPANY,
ATTORNEYS AT LAW, NEW YORK, N. Y.

PAUL CHILDRESS,

Plaintiff,

vs.

S. M. ADAMS, INC., a
corporation and GEORGE
LANGHAM,

Defendants.

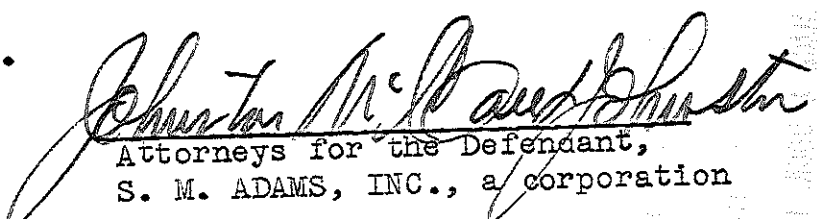
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

LAW SIDE.

NO. 1089

Comes the Defendant, S. M. ADAMS, INC., a corporation,
in the above entitled cause and moves the court to appoint
a reputable and disinterested physician to make an examina-
tion of the Plaintiff.


Attorneys for the Defendant,
S. M. ADAMS, INC., a corporation

RECORDED

FILED

MAR 1 1948

ALICE J. DUCK, Clerk

E. H. WARD, INC., 3010
BROADWAY, NEW YORK, N. Y.

[Handwritten signature]

FROM THE DIRECTOR

A MEMORANDUM FOR THE DIRECTOR

IN THE ABOVE ENTITLED CASE AND HOWER AND COME TO SUBCOM

CONCERNING THE DEFENDANT, E. H. WARD, INC., A CORPORATION

DEFENDANT

THE STATE OF NEW YORK

IN SENATE JANUARY 1948

AND CERTAIN OTHER

TO THE SENATE

STATE OF ALABAMA,
BALDWIN COUNTY.

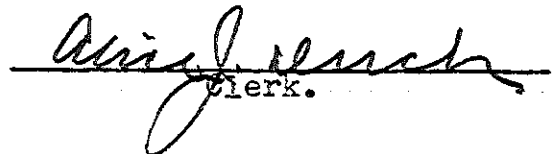
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon S. M. Adams, Inc., a corporation, and George Langham to appear within thirty days from the service of this writ in the Circuit Court to be held in said County at the place for holding the same, then and there to answer the complaint of Paul Childress.

Witness my hand this 9 day of ~~August~~ September, 1947.


Clerk.

COMPLAINT.

PAUL CHILDRESS,

Plaintiff,

VS.

S. M. ADAMS, INC., A CORPORATION, AND GEORGE LANGHAM,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

COUNT ONE.

The Plaintiff claims of the Defendants Five Thousand and no/100 (\$5000.00) Dollars, as damages for that he avers that on, to-wit: the 20th day of June, 1947, the Defendants were engaged in the business of operating an automobile truck in hauling paperwood, and at a point on or along United States Highway No. 90 in the town of Loxley, in Baldwin County, Alabama, the Defendants did then and there so negligently conduct said business that by reason thereof and as a proximate result or consequence thereof, said automobile truck struck or collided with Plaintiff's automobile truck, which was then and there being driven along said highway at said place by Plaintiff where he had a right to be, and by reason thereof and as the proximate result and consequence thereof Plaintiff

was severely injured as follows: his right knee was badly injured, he received a severe lick on his head, and was injured internally, and was caused to suffer great mental and physical pain; and Plaintiff's said automobile truck was damaged as follows: both front fenders, the bumper, radiator, steering gear and motor were badly damaged, and Plaintiff was caused to lose the use of his said automobile truck for, to-wit: one month, all the damage of the Plaintiff as aforementioned; hence this suit.

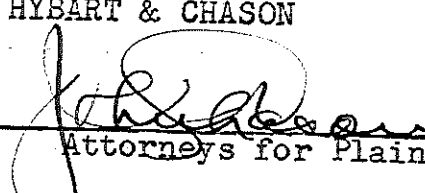
COUNT TWO.

The Plaintiff claims of the Defendants Five Thousand and No/100 (\$5000.00) Dollars as damages for that he avers that on, to-wit: the 20th day of June, 1947, the defendant George Langham, the agent, servant or employee of the defendants S. M. Adams, Inc., a corporation, was in charge or control of an automobile truck on or along United States Highway No. 90 in the town of Loxley, in Baldwin County, Alabama, and while acting within the line or scope of his employment, negligently drove said automobile truck into or against plaintiff's automobile truck, which Plaintiff was then and there driving along said highway at said point, and by reason thereof and as the proximate result and consequence thereof, the Plaintiff was severely injured as follows: his right knee was badly injured, he received a severe lick on the head and he was injured internally and caused to suffer great mental and physical pain; and Plaintiff's said automobile truck was badly damaged as follows: both front fenders, bumper, radiator, steering gear and motor were badly damaged, and the Plaintiff was caused to lose the use of said automobile truck for, to-wit: one month, all to the damage of Plaintiff as aforesaid; hence this suit.

Plaintiff demands a trial by jury.

HYBART & CHASON

BY


Attorneys for Plaintiff.

Received in Sheriff's Office
this 7 day of Sept, 1947
TAYLOR WILKINS, Sheriff

1089
RECORDED
SUMMONS AND COMPLAINT.

PAUL CHILDRESS,

Plaintiff,

-VS-

S. M. ADAMS, INC., A CORPORATION
AND GEORGE LANGHAM,

Defendants,

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

Filed September 9, 1947.

Annie J. Leuch
Clerk.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

Executed Sept 22 1947
by serving copy of within Summons and
Complaint on

George Langham

Taylor Wilkins Sheriff
W. F. Hall Deputy Sheriff

CHARLES RUSSELL SHERMAN, M. D.

PHYSICIAN AND SURGEON

LAMBERT BUILDING

OFFICE HOURS: 9 TO 12 A. M. AND 2 TO 5 P. M.
CLOSED TUESDAY AFTERNOONS

BAY MINETTE, ALABAMA

May 17, 1948

TO WHOM IT MAY CONCERN:

This is to certify that I have this day examined Mr. Paul Childress. He gives a history of a direct blow to his knee cap June 20, 1947. He says he still had blueness around his knee two months later. He was unable to walk well for two months. Physical examination of knee at present time shows no discoloration, no increased heat or swelling. There is no evidence of fluid in the knee joint. There is, when compared to the other side, a barely appreciable limitation of extension (only 2 or 3 degrees). Palpation around the knee joint reveals a tender area over the upper portion of the tibia just medial to the patella. However, there is no swelling or abnormality of the normal contour when compared with the other side; in this particular region. There is no appreciable limitation of flexion of the knee joint. Attempts at forceful lateral bending at the knee joint produces some discomfort either way, but there is no loose motion. Attempts at forceful hyperextension also produces some discomfort. There is no evidence of limp. AP and Lateral X-Rays of the knee show no evidence of bone or joint pathology.

IMPRESSION: It is impossible at this late date to diagnose with accuracy the original injury. My impression is that there may have been some injury (possibly contusion or a small tear without any displacement) of the semilunar cartilage. I believe that there is a slight residual disability.

Yours truly,

Russell Sherman, M.D.
Russell Sherman M.D.

RS/ds

TWENTY-FIRST JUDICIAL CIRCUIT
OF ALABAMA

F. W. HARE, JUDGE

A. H. ELLIOTT, CIRCUIT SOLICITOR

LOUISE J. DUSENBURY, COURT REPORTER

MONROEVILLE, ALABAMA

3/6/48,

Chidress }
TL }
Adams }

Nothing to be done at this
time - 3/6/48 - F. W. Hare

TWENTY-FIRST JUDICIAL CIRCUIT
OF ALABAMA

F. W. HARE, JUDGE

A. H. ELLIOTT, CIRCUIT SOLICITOR

LOUISE J. DUSENBURY, COURT REPORTER

MONROEVILLE, ALABAMA

3/6/48,

Chidress }
72 }
Adams }

Nothing to be done at this
time. 3/6/48.

F. W. Hare

JOHNSTON, MCCALL & JOHNSTON

LAWYERS

FIRST NATIONAL BANK ANNEX

MOBILE, ALABAMA

(4)

Box 550

SAMUEL M. JOHNSTON
DAN T. MCCALL, JR.
WILLIAM E. JOHNSTON

February 28, 1948

Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed you will find the original and a copy of our answer in the case of Paul Childress vs. S. M. Adams, Inc., et al, No. 1089. I am also sending you the original and a copy of a motion requesting the Court to appoint a disinterested physician to examine Mr. Childress. Will you please see that these pleadings are properly filed in your office.

Thanking you, I am

Yours very truly,



Dan T. McCall, Jr.

DTM/lg

Encls.

STATE OF ALABAMA,
BALDWIN COUNTY.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon S. M. Adams, Inc., a corporation, and George Langham to appear within thirty days from the service of this writ in the Circuit Court to be held in said County at the place for holding the same, then and there to answer the complaint of Paul Childress.

Witness my hand this 9 day of ~~August~~ September, 1947.

Deirdre Luck
Clerk.

COMPLAINT.

PAUL CHILDRESS,

Plaintiff,

VS.

S. M. ADAMS, INC., A CORP-
ORATION, AND GEORGE LANGHAM,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

COUNT ONE.

The Plaintiff claims of the Defendants Five Thousand and no/100 (\$5000.00) Dollars, as damages for that he avers that on, to-wit: the 20th day of June, 1947, the Defendants were engaged in the business of operating an automobile truck in hauling paperwood, and at a point on or along United States Highway No. 90 in the town of Loxley, in Baldwin County, Alabama, the Defendants did then and there so negligently conduct said business that by reason thereof and as a proximate result or consequence thereof, said automobile truck struck or collided with Plaintiff's automobile truck, which was then and there being driven along said highway at said place by Plaintiff where he had a right to be, and by reason thereof and as the proximate result and consequence thereof Plaintiff

was severely injured as follows: his right knee was badly injured, he received a severe lick on his head, and was injured internally, and was caused to suffer great mental and physical pain; and Plaintiff's said automobile truck was damaged as follows: both front fenders, the bumper, radiator, steering gear and motor were badly damaged, and Plaintiff was caused to lose the use of his said automobile truck for, to-wit: one month, all the damage of the Plaintiff as aforementioned; hence this suit.

COUNT TWO.

The Plaintiff claims of the Defendants Five Thousand and no/100 (\$5000.00) Dollars as damages for that he avers that on, to-wit: the 20th day of June, 1947, the defendant George Langham, the agent, servant or employee of the defendants S. M. Adams, Inc., a corporation, was in charge or control of an automobile truck on or along United States Highway No. 90 in the town of Loxley, in Baldwin County, Alabama, and while acting within the line or scope of his employment, negligently drove said automobile truck into or against plaintiff's automobile truck, which Plaintiff was then and there driving along said highway at said point, and by reason thereof and as the proximate result and consequence thereof, the Plaintiff was severely injured as follows: his right knee was badly injured, he received a severe lick on the head and he was injured internally and caused to suffer great mental and physical pain; and Plaintiff's said automobile truck was badly damaged as follows: both front fenders, bumper, radiator, steering gear and motor were badly damaged, and the Plaintiff was caused to lose the use of said automobile truck for, to-wit: one month, all to the damage of Plaintiff as aforesaid; hence this suit.

Plaintiff demands a trial by jury.

HYBART & CHASON

BY

Hybarta Chason
Attorneys for Plaintiff.

1089

SUMMONS AND COMPLAINT

PAUL CHILDRESS,
Plaintiff,

- 007 VS -

S. M. ADAMS INC., A CORPORATION
AND GEORGE LANGHAM,

Defendants,

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

Filed September 9, 1947.

Clerk

Wm. J. Clark
Clerk

087 1000

[illegible]

PAUL CHILDRESS,	Plaintiff,	vs.	S. M. ADAMS, INC., A Corporation, and GEORGE LANGHAM,	Defendants.
<p>IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA</p> <p>LAW SIDE.</p>				

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Comes the Plaintiff in the above styled cause and respectfully shows unto your Honor and unto this Court as follows:

That pursuant to the law in such cases made and provided, the Plaintiff did, on, to-wit, the 27th day of July, 1948, propound interrogatories numbered 1, 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 2, 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h), 3, 3(a), 3(b), 4, 4(a) and 4(b) to each of the said Defendants S. M. Adams, Inc., a corporation, and George Langham; that the same were served as required by law on the Defendant George Langham, on, to-wit,

July 31st, 1948; and that although the time allowed by law in which to answer said interrogatories has expired, yet the Defendant George Langham, has failed and continually fails and refuses to answer each and every one of the interrogatories propounded to him as set out above.

WHEREFORE, the premises considered, the Plaintiff, Paul Childress, moves the Court to:

1. To attach the said George Langham, Defendant, and cause him to answer fully in open Court the interrogatories propounded to him.

My best friend
Attorneys for Plaintiff.

Received in Sheriff's Office
this 21 day of Oct, 1948
TAYLOR WILKINS, Sheriff

dated Oct 21 1948
by serving copy of within Summons and
Complaint on

George Langham

Taylor Wilkins Sheriff
By G. F. Hall Deputy Sheriff

MOTION

PAUL CHILDRESS,
Plaintiff,

vs.

S. M. ADAMS, INC.,
A Corporation, and
GEORGE LANGHAM,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE. No. 1089.

Filed October 21, 1948.

David L. Smith
Clerk.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

JOHNSTON, MCCALL & JOHNSTON
LAWYERS

FIRST NATIONAL BANK ANNEX

MOBILE, ALABAMA

(4)

Box 550

SAMUEL M. JOHNSTON
DAN T. MCCALL, JR.
WILLIAM E. JOHNSTON

September 29, 1948

Mrs. Alice Duck
Clerk of the Circuit Court of
Baldwin County
Bay Minette, Alabama

Re: Paul Childress v. S. M. Adams, Inc.
and George Langham

Dear Mrs. Duck:

Enclosed herewith are the answers of the defendant, S. M. Adams, Inc. to interrogatories propounded by the plaintiff. A copy is also being sent for the plaintiff's attorney. Will you please mark the answers "Filed."

Thanking you, I am

Yours very truly,

Dan T. McCall, Jr.
Dan T. McCall, Jr.

DTM/lg

Encls.

PAUL CHILDRESS,

Plaintiff,

vs.

S. M. ADAMS, INC., a corporation,
and GEORGE LANGHAM,

Defendants.

¶

¶ IN THE CIRCUIT COURT OF BALDWIN

¶

COUNTY, ALABAMA.

¶

LAW SIDE.

No. 1089.

¶

¶

Comes the defendant, S. M. ADAMS, INC., a corporation,
and answering the Interrogatories heretofore propounded to
it by the plaintiff, says:

1. Yes.

a. Yes.

b. No. George Langham was an independent producer from
whom S. M. Adams, Inc. purchased paper wood.

c. See 1 (b) above.

d. The defendant, S. M. Adams, Inc., can answer this
interrogatory only through hearsay; therefore, it refuses
to make answer unless required to do so by the Court.

e. See 1 (d) above.

f. Do not know.

2. Defendant, S. M. Adams, Inc., understands that the
truck involved was one purchased by the defendant, George
Langham, from S. M. Adams, Inc.

a. Do not know.

b. Do not know.

c. Do not know.

d. Do not know.

e. Do not know, but truck was not registered in the name
of S. M. Adams, Inc.

f. Defendant, S. M. Adams, Inc., purchased a 1946 Dodge
truck from International Paper Company, Mobile, Alabama, which
it sold to the defendant, George Langham.

g. See 2 above.

h. Defendant, S. M. Adams, Inc., does not have a copy of the bill of sale.

3. No.

a. Defendant, George Langham, agreed to pay for the 1946 Dodge truck by installment payments of not less than \$50.00 a week, and authorized S. M. Adams, Inc. to deduct \$2.00 from the contract price for each cord of paper wood hauled by George Langham.

b. No.

4. Defendant refuses to answer this interrogatory because the same calls for illegal and incompetent testimony.

a. Defendant refuses to answer this interrogatory because the same calls for illegal and incompetent testimony.

b. Defendant refuses to answer this interrogatory because the same calls for illegal and incompetent testimony.

S. M. ADAMS, INC., a corporation
By *[Signature]*
Its President

STATE OF ALABAMA ↓

COUNTY OF MOBILE ↓

Before me, *Myrtle M. Alenon*, a Notary Public in and for said State and County, personally appeared S. M. ADAMS, who upon being first duly sworn on oath, deposes and says that the above and foregoing answers to the interrogatories propounded to the corporation are true and correct to the best of his knowledge.

[Signature]
Subscribed and sworn to before me
this 27 day of Sept., 1948.

Myrtle M. Alenon
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

NOTARY PUBLIC MOBILE COUNTY ALABAMA
MY COMMISSION EXPIRES JAN. 6, 1952

PAUL CHILDRESS,

Plaintiff,

vs.

S. M. ADAMS, INC.,
A Corporation, and
GEORGE LANGHAM,

Defendants,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
LAW SIDE.
NO. 1089.

INTERROGATORIES PROPOUNDED TO EACH OF THE
DEFENDANTS BY THE PLAINTIFF.

1. Please state whether the Defendant S. M. Adams, Inc., a corporation was buying paperwood in or near Baldwin County, Alabama, on or about June 20, 1947. (a) Was the Defendant, George Langham hauling paperwood from Baldwin County, Alabama, to Mobile on or about June 20, 1947. (b) Was the Defendant, George Langham, the agent, servant or employee of the Defendant, S. M. Adams, Inc., a corporation on or about June 20, 1947. (c) If you state that he was, please state what he was doing for said corporation that day. (d) Was George Langham involved in an automobile wreck in Loxley, Alabama, on to-wit, June 20, 1947, on Highway No. 90. (e) If you say that he was, was he driving an automobile truck at the time of the collision. (f) Who was the driver of the other vehicle involved in such wreck.

2. Who owned the truck that was being driven by George Langham on June 20, 1947, on U. S. Highway No. 90, at the time he was involved in a wreck with a truck driven by Paul Childress. (a) Please give the name and the address of the Motor Company that sold the truck that was being driven by George Langham when he was involved in the above mentioned wreck. (b) Did the purchaser from the Motor Company pay cash for such truck or did he or it give a check and if a check was given in purchasing said truck, when it was new, please attach to your answer to these interrogatories a copy of such check showing indorsements thereon. (c) If the truck has been sold more than once since it was new, please give the names and addresses of each purchaser and seller and the amount of the consideration for such purchases. (d) Who bought the first

license for the truck and where was it bought. (e) In whose name was the license bought which was on the truck at the time it was involved in a collision with Paul Childress in Loxley, Alabama, on June 20, 1947. (f) Is it not a fact that the truck when new was bought by S. M. Adams, Inc., a corporation, one of the Defendants in this suit. (g) Is it not a fact that the Defendant, S. M. Adams, Inc., a corporation, was still the owner of the truck driven by George Langham at the time it was involved in the accident above referred to. (h) If you state that S. M. Adams, Inc., a corporation, had been the owner of said truck but had sold the same to George Langham prior to the accident, please attach to your answer to these interrogatories, a true and correct copy of the Bill of Sale from S. M. Adams, Inc., a corporation, to George Langham.

3. Is it not true that S. M. Adams, Inc., a corporation, had delivered the truck involved in the above mentioned wreck, to George Langham with the understanding that George Langham was to haul paperwood with such truck and that he was to give S. M. Adams, Inc., a corporation, some amount out of each unit or cord of paperwood. (a) If you state that this is true, how much was S. M. Adams, Inc., a corporation, to get out of each unit or cord of paperwood hauled by George Langham. (b) Is it not true that a load of paperwood was being hauled by George Langham at the time of the wreck with Paul Childress in Loxley, Alabama, on June 20, 1947, and that S. M. Adams, Inc., a corporation, was to get a certain sum when the paperwood was delivered.

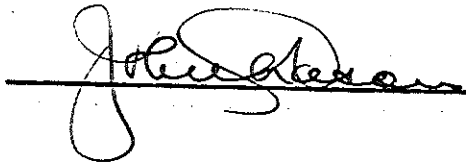
4. For the purpose of qualifying the jury, please state whether the Defendant, S. M. Adams, Inc., a corporation, carried public liability and or property damage insurance on the truck driven by George Langham and involved in the wreck with Paul Childress on June 20, 1947, in Loxley, Alabama. (a) If your answer is yes, please state the name and address of the insurer. (b) Please attach a copy of said insurance policy to your answer to these interrogatories.


Attorneys for Plaintiff.

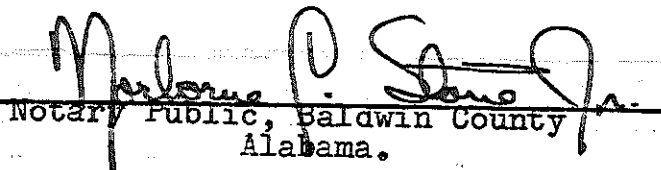
STATE OF ALABAMA

BALDWIN COUNTY

Before me, a Notary Public, in and for said State and County, personally appeared John Chason, one of the Attorneys for the Plaintiff, in the above styled cause, who being by me first duly and legally sworn deposes and says: That the answers to the interrogatories propounded to the Defendants in the above styled cause, will be material evidence for the Plaintiff in the trial of this cause, if such answers are properly made.



Sworn to and subscribed
before me, this 23rd day of
July, 1948.



Notary Public, Baldwin County
Alabama.

Served on defendant, S. M. Adams, Inc.,
on the 30th day of July, 1948.

Johnston M. Case + Johnston
By Dan T. McCall, Jr.,
attys for S. M. Adams, Inc.

Executed this July
31 1948 by serving
a copy of the
within on
George Langham
Taylor Wilkins
Sheriff

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INTERROGATORIES PROPOUNDED
BY PLAINTIFF TO DEFENDANTS

PAUL CHILDRESS,
Plaintiff,

vs.

S. M. ADAMS, INC., a
Corporation, and
GEORGE LANGHAM.

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

Filed this 27th day of July,
1948.

Alice J. Much
Clerk.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

Office Phone 3361
 Residence Phone 4094

May 19 1948
 Bay Minette, Ala.

CHARLES RUSSELL SHERMAN, M. D.

Circuit Court of Baldwin County

Bay Minette, Alabama

Statements are Rendered Monthly
 Re: Mr. Paul Childress

Office Calls	2	00
House Calls	8	00
X-Ray		
TOTAL	10	00

Please Return Statement With Payment