

LILLIAN H. HOLLOWAY, as Adminis-  
tratrix of the Estate of Julius  
C. Holloway, Deceased,

Plaintiff,

vs

JOHN THOMAS SMITH and the  
HOWARD HALL COMPANY, INC.,  
a corporation,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 1197

Come the defendants in the above styled cause and respectfully show unto the Court that Fred Gunn, Jr. is residing at the Pi Kappa Phi House, Auburn, Alabama, and that the said Fred Gunn, Jr. is a material witness in this cause, wherefore defendants request that a commission be issued by the Clerk of this Court to one or more persons to take the deposition of said witness, after prescribing the notice to be given the opposing party, or his attorney, of the time and place of taking same. Defendants respectfully suggest that Mrs. Glenn Byrd, Post Office Box 272, Opelika, Alabama, is a suitable person to be named as Commissioner to be appointed for the taking of the testimony of said witness in this cause; and that Auburn, Alabama is more than one hundred miles from the place of trial.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS  
and J. B. BLACKBURN

BY N F Adams  
Attorneys for Defendants

State of Alabama  
Mobile County

Before me, Cordie R. Bastin, a Notary Public in and for said state and county personally appeared R. F. Adams, who is known to me and being by me first duly sworn deposes and says that he is one of the attorneys for defendants in the above styled cause; that he is informed and believes, and on such information and belief avers that the allegations hereinabove contained are true and correct.

Sworn to and subscribed before me  
on this the 18th day of January, 1949.

Cordie R. Bastin  
Notary Public, Mobile County, Alabama

The defendants request that the following interrogatories be propounded to Fred Gunn, Jr. by the Commissioner appointed to take his testimony in this cause:

1. What is your name, age, address and occupation?
2. Were you, on or about March 17, 1948 in a car being driven from Auburn, Alabama to Mobile, Alabama?
3. Were you, on said occasion, in a car being driven southwardly on U. S. Highway No. 31 between Bay Minette and Mobile, Alabama at about 4:30 P. M.?
4. Were you, at said time on said highway, at a point 9 or 10 miles south of Bay Minette, Alabama, following a van up a slight grade on said highway?
5. Did said van or the tractor pulling it collide with another vehicle approaching it from the opposite direction, and did the automobile in which you were riding collide with said van?
6. If you have answered the preceding interrogatory in the affirmative, please state in your own words the circumstances under which said collision or collisions occurred.
7. How long had you travelled behind, and in sight of said van which was ahead of you going in the same direction you were going, before said collision or collisions occurred?
8. On which side of the center line of the highway were the van and tractor which was pulling it travelling at the time of and prior to the time of said collisions?
9. Was it travelling well on its right hand side of the highway?
10. Did the van and tractor within the last 100 yards travelled before it was involved in said collisions get over on its left of the center of said highway?
11. Did the van and tractor within the last 500 yards travelled before it was involved in said collisions get over on its left of the center of said highway?
12. Did the van and tractor at any time while you were close enough to it to observe its position on the highway get over on its left of the center of said highway?

13. Had you, prior to your collision with the van, seen the Ford Truck which was involved in the accident?

14. On what side of the center line of said highway did the Howard Hall Company tractor and van collide with the Ford truck?

15. Had the tractor pulled off to the shoulder on its right of the pavement prior to its collision with the Ford truck?

16. Who was in the car with you?

17. Where were you sitting in the car in which you were riding?

18. If you have stated that the car in which you were riding collided with said van, state whether or not it overturned following said collision, and whether it stayed on the highway or went off on the shoulder, giving its position with reference to the edge of the pavement on your left as you were travelling when it stopped following the collision.

19. How many minutes elapsed before any other motor vehicles or persons came to the scene of the wreck after said wreck occurred?

20. Did you, following said collision or collisions, see anything on the shoulder of the highway East of the pavement and South of the place where the collision or collisions occurred and anything on the highway running from the shoulder on the East side thereof to the place where the collision occurred?

21. If your answer to the foregoing question is "Yes", explain fully and completely what you saw on the shoulder of the highway on the East side of the pavement and what you saw on the highway from the shoulder on the East side to the place where the collision occurred.

22. Did you, following said collision or collisions, see any tracks or tire marks leading to the point where the van or tractor collided with the pick-up truck? If you state that you did, state in your own words the course followed by said tracks or tire marks and how soon after said collision it was that you noticed them.

23. Please state whether or not upon examining the tracks of the pick-up truck which was involved in the accident referred to you found that the said tracks showed that the said pick-up truck had

run off of the paved portion of the highway on the right side of said pick-up truck and if there were tracks of the said pick-up truck indicating it was driven off the paved portion of the highway then state whether or not there were tracks of the pick-up truck showing that the said pick-up truck was driven back on the highway, and, if so, state what you saw as to the position and path of said tracks.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS  
and J. B. BLACKBURN

By

J. B. Blackburn  
Attorneys for Defendants

State of Alabama  
Baldwin County

Before me, S. Mac Humphreys, a Notary Public in and for said state and county, personally appeared J. B. Blackburn, one of the attorneys for defendants, who, being by me first duly sworn, on oath deposes and says that if the answers to the interrogatories propounded to the above named witness are well and truly made, they will be material evidence for the defendant in the trial of this cause.

Sworn to and subscribed before me on  
this the 4<sup>th</sup> day of March, 1949.

S. Mac Humphreys  
Notary Public, Baldwin County, Alabama.

Service accepted and further notice waived on this  
the 4<sup>th</sup> day of March, 1949.

Hylant, Chason and Stone  
By Marbome P. Stone  
Att'y. for Plaintiff

RECORDED

INTERROGATORIES PROPOUNDED TO  
FRED GUNN, JR.

LILLIAN H. HOLLOWAY, as Adminis-  
tratrix of the Estate of Julius  
C. Holloway, Deceased,

Plaintiff,

vs

JOHN THOMAS SMITH and the  
HOWARD HALL COMPANY, INC.,  
a corporation,

Defendants.

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

*Filed 3-4-49  
Alice J. Blackburn  
Clerk*

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

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING

P. O. BOX 1070

MOBILE 6, ALABAMA

GESSNER T. McCORVEY  
BEN D. TURNER  
C. M. A. ROGERS  
C. A. L. JOHNSTONE, JR.  
R. F. ADAMS

JAMES L. MAY, JR.  
CHAUNCEY MOORE

September 10, 1948

Mrs. Alice J. Duck  
Clerk  
Bay Minette, Alabama

Dear Mrs. Duck:

Please file the enclosed interrogatories  
in cause No. 1196 - Noble vs Smith et al, on which  
attorneys for plaintiff have accepted service. We  
gave Mr. Johnston an extra copy for Mr. Chason.

Very truly yours,



RFA/cb

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS  
ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING

P. O. BOX 1070

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BEN D. TURNER  
C. M. A. ROGERS  
C. A. L. JOHNSTONE, JR.  
R. F. ADAMS

JAMES L. MAY, JR.  
CHAUNCEY MOORE

September 15, 1948

Mrs. Alice J. Duck  
Clerk  
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith are answers to defendants  
in cause number 1196 on the Law Docket--Noble vs  
Smith et al, which we shall appreciate your filing.  
You will note that attorneys for plaintiff have accepted  
service.

Very truly yours,



RFA/cb

Encls.

# JURY LIST, FIRST WEEK

Spring Term, March 21st, 1949

No. Name Occupation Address

~~1 Clarence E. Walters, farmer, Foley~~ D

2 James W. Cypers, postal clerk, Foley

~~3 Anthony Gurisco, farmer, Daphne~~

~~4 Fred C. Griffin, garage owner, Loxley~~ D

5 Sam Pruett, clerk, Bay Minette

6 Emery J. Johnson, millman, Silverhill

~~7 Albert Vitous, farmer, Silverhill~~

~~8 Henry Bishop, bank cashier, Fairhope~~ P

~~9 Jesse H. Slaughter, logging, Tensaw~~ D

~~10 Frank Eubanks, carpenter, Bay Minette~~ P

11 Luther V. Street, farmer, Point Clear

~~12 R. L. Kirkland, Jr., timber, Foley~~ P

~~13 D. O. Hall, farmer, Tensaw~~ P

~~14 W. F. Cody, merchant, Foley~~

~~15 Emmett P. Robinson, farmer, Point Clear~~ D

16 Edward P. Moravac, Brookley Field, Robertsdale

~~17 L. W. Ferguson, merchant, Little River~~

~~18 Jerry Heidelberg, farmer, Silverhill~~

~~19 Thomas B. Rhodes, farmer, Summerdale~~ D

20 George O. Gill, clerk, Foley

~~21 Robert E. Stapleton, merchant, Fairhope~~ P

~~22 Hugh S. Metcalf, Sr., farmer, Foley~~

~~23 Carlos Ward, mechanic, Fairhope~~

~~24 John Beverly, laborer, Robertsdale~~

~~25 Roy A. Beasley, plumber, Foley~~ D -

26 Joe Rybar, farmer, Silverhill

~~27 Alfred M. Neumann, banker, Elberta~~

28 John Lindsey, Defense, Foley

29 Aaron G. Weaver, merchant, Bay Minette

30 George Noonan, sign painter, Bay Minette

~~31 Walter Avera, farmer, Summerdale~~

~~32 George Wenzel, farmer, Foley~~

33 Leg A. Kuffski, fisherman, Bon Secour

34 John Nalte, farmer, Fairhope

~~35 Charles S. Faircloth, turpentine, Lillian~~

~~36 J. Leon Palmer, farmer, Robertsdale~~

~~37 M. J. Ready, Postal Clerk, Bay Minette~~ P

~~38 Rudolph Bryars, Cleaner, Bay Minette~~ D

P. + + + + + + +

D. + + + + + + +



Smith, who was then and there a servant or agent of the defendant, Howard Hall C o m p a n y , Inc., while acting within the line and scope of his employment as such, wantonly injured plaintiff's intestate, Auburn H. Noble on public highway 31, between Bay Minette and Stapleton in Baldwin County, Alabama, by then and there wantonly driving a motor truck against a motor truck in which plaintiff's intestate was then and there riding, as a proximate result of which wantonness, plaintiff's intestate suffered injuries from which he died; wherefore plaintiff brings this suit and asks judgment in the above amount.

HYBART & CHASON

Johnstone McCall & Johnstone  
Attorneys for Plaintiff

Plaintiff demands a trial by jury in the above entitled cause.

HYBART & CHASON

Johnstone McCall & Johnstone  
Attorneys for Plaintiff

McCORMEY, TURNER, ROGERS, JOHNSTONE & ADAMS  
ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING

P.O. BOX 1070

MOBILE 6, ALABAMA

GESSNER T. MCCORMEY  
BEN D. TURNER  
C.M.A. ROGERS  
C.A.L. JOHNSTONE, JR.  
R.F. ADAMS  
JAMES L. MAY, JR.  
CHAUNCEY MOORE

July 8th, 1948.

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

Dear Mrs. Duck:

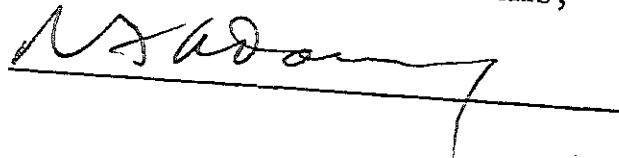
Please file the enclosed demurrer on behalf of the defendants in the suit of Clara M. Noble, as Administratrix, versus John Thomas Smith and the Howard Hall Company, Inc., No. 1196 on the Law Docket of Baldwin County.

We have had service accepted by Johnston, McCall & Johnston.

Very truly yours,

McCorvey, Turner, Rogers, Johnstone & Adams,

By



RFA/J  
Encl.

SUMMONS AND COMPLAINT

**THE STATE OF ALABAMA,** }  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 194\_\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You Are Hereby Commanded to Summon Ned Black and Sidney Black

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Ned Black and

Sidney Black, Defendant

by \_\_\_\_\_

\_\_\_\_\_, Plaintiff

Witness my hand this 19 day of June 1948

Alice J. Smith, Clerk.

No. 1197

Page \_ \_ \_ \_ \_

THE STATE of ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

## Defendants

# SUMMONS and COMPLAINT

Filed

6-19

194.

Clerk

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co.

Defendant lives at

RECEIVED IN OFFICE

194

Sheriff

I have executed this summons

this

194

by leaving a copy with

Sheriff

Deputy Sheriff

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No.-----

TERM, 194-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Ned Black and Sidney Black

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Ned Black and

Sidney Black

, Defendant--s-

by G. H. Jackson

, Plaintiff--

Witness my hand this 19 day of June 1948

Alice L. Smith

, Clerk.

No. 1191 Page       

**THE STATE of ALABAMA,**  
BALDWIN COUNTY

**CIRCUIT COURT**

G. H. Jackson

Plaintiffs

vs.

Ned Black

Sidney Black

Defendants

**SUMMONS and COMPLAINT**

Filed 6-19, 1948

W. J. Much Clerk

C. LeNoir Thompson

Bay Minette, Ala. Plaintiff's Attorney

Defendant's Attorney

Sidney Black may be in Geneva, or  
in Georgiana

Defendant lives at  
Car located at Georgiana  
Ned Black, present whereabouts  
unknown

RECEIVED IN OFFICE

June 19, 1948  
Taylor Wilkins, Sheriff

I have executed this summons

this 7-20, 1948  
by leaving a copy with

Sidney Black

J. E. Kent Sheriff

Deputy Sheriff

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. ....

..... TERM, 194....

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You Are Hereby Commanded to Summon Ned Black and Sidney Black

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Ned Black and

Sidney Black, Defendant S.

by \_\_\_\_\_

\_\_\_\_\_, Plaintiff....

Witness my hand this 19 day of June 1948

Alvin J. Black, Clerk.

RECORDED

No. 1197 Page \_\_\_\_\_

**THE STATE of ALABAMA,**  
BALDWIN COUNTY

**CIRCUIT COURT**

\_\_\_\_\_  
vs. \_\_\_\_\_  
Plaintiffs

\_\_\_\_\_  
Defendants

**SUMMONS and COMPLAINT**

Filed 6-19, 1948

Miss J. Smith Clerk

\_\_\_\_\_  
Plaintiff's Attorney

\_\_\_\_\_  
Defendant's Attorney

Defendant lives at \_\_\_\_\_

RECEIVED IN OFFICE

June 19, 1948  
Taylor Wilkins, Sheriff  
I have executed this summons

this \_\_\_\_\_, 194\_\_\_\_  
by leaving a copy with \_\_\_\_\_

Red Black not  
found in County  
Letd 7-24-1948

J. R. Smith Sheriff  
Beth Smith Deputy Sheriff



ATTACHMENT.

**The State of Alabama,**  
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, G. H. Jackson

ALICE J. DUCK  
hath complained on oath to me, ~~ROBERT S. DUCK~~, Clerk of Circuit Court of Baldwin County, Ala.,

that Ned Black and Sidney Black

a re

~~is~~ justly indebted to the Plaintiff G. H. Jackson

in the sum of ~~XXXXX~~ TWO HUNDRED TWENTY FOUR AND 80/100 - - - - - Dollars, and

G. H. Jackson

having made affidavit and given bond

as required by law, in such cases, you are hereby commanded to attach so much of the estate of

Ned Black and Sidney Black, specifically, One 1941 Buick Sedan, Motor Number

54178713, Tag Number Ala. 48 - 34 D 312

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so  
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be  
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said

County, on Monday of 193

next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 19 day of June A. D. ~~193~~ 1948

Alice J. Duck Clerk.

Received in Sheriff's Office  
this 29 day of July, 1948  
TAYLOR WILKINS, Sheriff

Executed this the  
20th day of July 1948  
by taking into my  
possession one 1941  
Buick Sedan motor #  
54178723 reg # 48-340312

J E Keen, Sheriff  
Butler County

RECORDED

No. 1197

## ATTACHMENT

G. H. Jackson

Vs. { ATTACHMENT

Ned Black  
Sidney Black

Issued 6-19, 1948

MOORE PRINTING CO.

THE STATE OF ALABAMA }  
Baldwin County

CIRCUIT COURT AT BAY MINETTE, ALA.

KNOW ALL MEN BY THESE PRESENTS, That We, G. H. Jackson and, of the County of Baldwin Perdido, Alabamaare held and firmly bound unto Ned Black and Sidney Blackin the sum of FOUR HUNDRED FORTY NINE AND 60/100 Dollars, tobe paid to the said Ned Black and Sidney Black

heirs, executors, administrators, or assigns, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the 19 day of June, 1948

The Condition of this Obligation is such:

That whereas, the above bounden G. H. Jackson

has, on the day of the date

hereof, prayed an Attachment at the suit of La. w

against the estate of above named

Ned Black and Sidney Blackfor the sum of TWO HUNDRED TWENTY FOUR AND 80/100 Dollars,  
and hath obtained the same, returnable to the Circuit Court of Baldwin County:Now, if the said G. H. Jacksonshould prosecute said Attachment to effect, and pay the said Defendant all such damages as they may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be void; otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now, or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

G. H. Jackson (Seal)  
John R. Imperial (Seal)  
W. B. Ryals (Seal)  
\_\_\_\_\_ (Seal)

Approved, this 19th day of June, 1948

Alvin J. Dush Clerk

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT AT BAY MINETTE, ALABAMA**

Before me, Alice J. Duck, Clerk of the Circuit Court  
 in and for said County, personally appeared G. H. Jackson  
 who, being duly sworn, on oath saith that Ned Black and Sidney Black  
are justly indebted to  
the said G. H. Jackson

in the sum of TWO HUNDRED TWENTY FOUR AND 80/100 Dollars,  
 which said amount is justly due after allowing all just offsets and discounts, and that the said  
amount is for work and labor done on a 1941 Buick Sedan, Motor number  
54178703; Tag Number, Ala. 48, 34 D 312

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other improper motive.

Subscribed and sworn to before me this 19 day of June, 1948

G. H. Jackson

**RECORDED**

No. 11-27 Page ---

**STATE OF ALABAMA**  
**Baldwin County**  
**CIRCUIT COURT**  
 At Bay Minette, Ala.

G. H. Jackson

TO

Ned Black

Sidney Black

**ATTACHMENT BOND AND AFFIDAVIT**

Filed this the --- day

of ---, 194---

---, Clerk

--- Attorney