

1398

THOMAS WILLIAM MITCHELL	Ø	IN THE CIRCUIT COURT OF
PLAINTIFF	Ø	BALEDWIN COUNTY, ALABAMA
VS.	Ø	AT LAW
J. NELSON HORNER and KAY HORNER	Ø	
DEFENDANTS	Ø	

Interrogatories propounded by the Plaintiff to the Defendants,  
J. Nelson Horner and Kay Horner, separately and severally, in accord-  
ance with Article 8, Title 7 of the 1940 Code of Alabama.

1.

Please state your name, adge and address.

2.

Please state whether ot no you were the owner of an automobile  
involved in an accident on highway no. 3, a public highway leading from  
Foley to Gulf Shores, at a point approximately one-half mile North of  
the Intra Coastal Canal, on March 28th, 1949.

3.

Please state who was driving the automobile, involved in said  
accident, that was proceeding South.

4.

Please state the make and model of the said car, proceeding  
South at the time of the accident.

5.

Please state who was riding in the car proceeding South at  
the time of the accident, and the location of each in said car.

6.

Please state from where and to where the parties in the car  
going South at the time of the accident were going.

7.

Please state whether or not the party driving the care proceeding  
South at the time of the accident had been involved in any other accidents  
or collisions, while driving automobile.

8.

Please state whether the highway was straight at the place of

the accident and how far North one could see from the place of the accident.

9.

Please state on which side of the public highway, the car proceeding South was traveling at the time of the accident.

10.

If you state that the parties riding in the car proceeding South and involved in the accident were going from Mobile to some place on the Gulf, then please state what time the car left Mobile.

11.

Please state how far the driver of the automobile proceeding South could see the automobile in which the Plaintiff was riding before the collision.

12.

Please state whether or not the driver of the automobile proceeding South attempted to pass another car proceeding Southwardly just prior to the accident, and if so, at what speed was the said automobile proceeding South going at the time of passing, or attempting to pass the other automobile.

13.

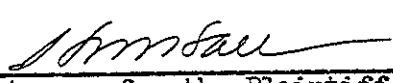
Please state whether or not it is a fact that the automobile in which the Plaintiff was riding was completed off the pavement and in the ditch on the East side of the highway at the time it was struck.

14.

Please state whether or not the Defendant J. Nelson Horner knew of and consented to the use of the automobile involved in the collision and proceeding South and if so to whom.

15.

For the purpose of qualifying the Jury, you will please state whether or not you had any liability insurance on the automobile owned by you, and if so with what Company.

  
Attorney for the Plaintiff.

STATE OF ALABAMA  
BALDWIN COUNTY

Before me the undersigned authority, in and for said County, in said State, personally appeared, H. M. Hall, who is known to me, and who having been by me first duly sworn deposes and says, that he is the Attorney of record for the Plaintiff in the above styled cause; that true answers to the foregoing interrogatories will be material testimony for the Plaintiff in said case.

H. M. Hall

Sworn to and subscribed before me on this the 3<sup>rd</sup> day of September, 1949.

Alice S. Duck  
Notary Public, Baldwin County, Alabama.  
duck

THOMAS WILLIAM MITCHELL  
vs.  
J. NELSON HORNER and KAY  
HORNER

559  
C.D.  
no 1398  
445  
RECORDED

THOMAS WILLIAM MITCHELL  
PLAINTIFF  
VS.  
J. NELSON HORNER and KAY  
HORNER  
DEFENDANTS

Interrogatories

315 Bromley place

FILED  
SEP 3 1949  
ALICE J. DUCK, CLERK

Received in Sheriff's Office  
this 2 day of Sept. 1949  
TAYLOR WILKINS, Sheriff

Received 8<sup>th</sup> Day of Sept. 1949  
and on 9<sup>th</sup> Day of Sept. 1949  
I served a copy of the within documents  
on J. Nelson Horner and  
Kay Horner  
by service on  
W. L. HOLCOMB, Sheriff  
by Willie Langston D.

STATE OF ALABAMA §

BALDWIN COUNTY §

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. Nelson Horner and Kay Horner, 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 Thomas William Mitchell.

WITNESS my hand this 3rd day of September, 1949.

Heidi L. Smith  
Clerk.

THOMAS WILLIAM MITCHELL	§	IN THE CIRCUIT COURT OF
PLAINTIFF	§	BALDWIN COUNTY, ALABAMA
VS.	§	AT LAW
J. NELSON HORNER and KAY HORNER	§	
DEFENDANTS	§	

1.

The Plaintiff claims of the Defendants TWENTY FIVE THOUSAND (\$25000.00) DOLLARS, as damages for that heretofore on to-wit, March 28th, 1949, the Plaintiff was riding in an automobile on highway no. 3, a public highway, leading from Foley to Gulf Shores, at a point approximately one-half mile North of the Intra Coastal Canal, in Baldwin County, Alabama; that the Defendant J. Nelson Horner, acting by and through his servant, agent or employee, Kay Horner, who was then and there acting within the line and scope of her employment, at said time and place negligently drove an automobile into or against the automobile in which the Plaintiff was riding, and as a proximate result of the negligence of the said Kay Horner, the agent, servant or employee of the said J. Nelson Horner, while acting within the line and scope of her employment, the Plaintiff was injured as follows:

His head was injured; his neck was injured; he was injured internally; his face was lacerated and bruised; he was permanently injured; he was caused to suffer and will continue to suffer severe pains and mental anguish; he was caused to incur and will continue to incur hospital bills; he was caused to incur and will continue to incur

medical bills; he was caused to incur and will continue to incur doctor bills;

All to the damage of the Plaintiff as aforesaid, hence this suit.

2.

The Plaintiff claims of the Defendants, the sum of TWENTY FIVE THOUSAND (\$25000.00) DOLLARS, as damages, for that heretofore on to-wit, March 28th, 1949, the Plaintiff was riding in an automobile along highway no. 3, a public highway leading from Foley to Gulf Shores, at a point approximately one-half mile North of the Intra Coastal Canal; that at said time and place the Defendant Kay Horner, the agent, servant or employee of the Defendant J. Nelson Horner, while acting within the line and scope of her employment, so negligently operated an automobile which she was driving along said highway, at said place as to cause it to run into or collide with an automobile in which the Plaintiff was riding and as a proximate result of said negligence, at said time and place the Plaintiff was injured as follows:

His head was injured; his neck was injured; he was injured internally; his face was lacerated and bruised; he was permanently injured; he was caused to suffer and will continue to suffer severe pains and mental anguish; he was caused to incur and will continue to incur hospital bills; he was caused to incur and will continue to incur medical bills; he was caused to incur and will continue to incur doctor bills;

All to the damage of the Plaintiff, hence this suit.

3.

The Plaintiff claims of the Defendants, the sum of TWENTY FIVE THOUSAND (\$25000.00) DOLLARS, as damages, for that on to-wit, March 28th, 1949, the Defendant Kay Horner, the agent, servant or employee of the Defendant J. Nelson Horner, while acting within the line and scope of her employment wantonly and willfully injured the Plaintiff by so negligently operating an automobile along highway no. 3, a public highway leading from Foley to Gulf Shores, at a point approximate one-half mile North of the Intra Coastal Canal, as to cause it to run into or against an automobile, which the Plaintiff was riding, at said time and place, and as a proximate result of said negligence, the Plaintiff was injured as follows:

His head was injured; his neck was injured; he was injured internally; his face was lacerated and bruised;

he was permanently injured; he was caused to suffer and will continue to suffer severe pains and mental anguish; he was caused to incur and will continue to incur hospital bills; he was caused to incur and will continue to incur medical bills; he was caused to incur and will continue to incur doctor bills;

All to the damage of the Plaintiff as aforesaid, hence this suit.

*S. M. See*  
Attorney for the Plaintiff

The Plaintiff demands a trial by jury.

*S. M. See*  
Attorney for the Plaintiff

554  
CD

no 1398

445

*E*

RECORDED

Received in Sheriff's Office  
this 3 day of Sept. 1949  
TAYLOR WILKINS, Sheriff

THOMAS WILLIAM MITCHELL

PLAINTIFF

VS.

J. NELSON HORNER and KAY  
HORNER

DEFENDANTS

4/9<sup>2</sup>  
4/9<sup>2</sup>

Received 8<sup>th</sup> Day of Sept. 1949  
and on 9<sup>th</sup> Day of Sept. 1949  
I served a Copy of the within documents  
on J. Nelson Horner and  
Kay Horner  
by service of \_\_\_\_\_

W. H. HORNOR, Sheriff

by Wm. S. Taylor is

FILED

SEP 3 1949

ALICE J. DUCK, Clerk

315 Bromley place  
W. H. H.



THOMAS WILLIAM MITCHELL  
Plaintiff

VS.

J. NELSON HORNER and KAY HORNER  
Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. 1398

JUDGMENT ENTRY

9-27-50 Came the Plaintiff by attorney, and dismisses his suit. And the same being considered by the Court, it is hereby ordered and adjudged that this suit stand dismissed out of this Court. Defendant taxed with the cost for which execution may issue.

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that the above is a true and correct copy of the Judgment Entry and same is recorded in Minute Book 9, page 449.

\_\_\_\_\_  
Clerk, Circuit Court,  
Baldwin County, Alabama.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW, NOV. 1938

THOMAS WILLIAM MITCHELL  
Plaintiff  
vs.  
J. NELSON HORN and KAY HORN  
Defendants

JUDGMENT ENTRY

9-27-38 Came the Plaintiff by attorney, and dismisses his suit. And the same be-  
ing considered by the Court, it is hereby ordered and adjudged that this suit stand  
dismissed out of this Court. Defendant taxed with the cost for which execution may  
issue.

I, Alice J. Beck, Clerk of the Circuit Court of Baldwin County, Alabama, do  
hereby certify that the above is a true and correct copy of the Judgment Entry and  
same is recorded in Minute Book 2, page 119.

Clerk, Circuit Court,  
Baldwin County, Alabama.