

1448

STATE OF ALABAMA)

BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon A. A. CORTE & SONS, A CO-PARTNERSHIP composed of J. A. CORTE, E. D. CORTE, A. I. CORTE, ALBERT CORTE, FERDINAND A. CORTE, JULIO CORTE AND ADELE CORTE; and J. A. CORTE, E. D. CORTE, A. I. CORTE, ALBERT CORTE, FERDINAND A. CORTE, JULIO CORTE AND ADELE CORTE, individually, to appear within thirty days from 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 HAROLD CHANCLEY.

Witness my hand this the 20 day of December, 1949.

Wm. J. Herrick
Clerk.

HAROLD CHANCLEY, BY IDA
CHANCLEY, NEXT FRIEND,
Plaintiff,

VS

A. A. CORTE & SONS, A CO-
PARTNERSHIP COMPOSED OF
J. A. CORTE, E. D. CORTE, A.
I. CORTE, ALBERT CORTE, FERD-
INAND A. CORTE, JULIO CORTE,
AND ADELE CORTE: AND J. A.
CORTE, E. D. CORTE, A. I.
CORTE, ALBERT CORTE, FERDIN-
AND A. CORTE, JULIO CORTE,
AND ADELE CORTE, INDIVIDUALLY,
Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

FIRST:

The plaintiff, a minor over the age of 14 years, suing by Ida Chancley, next friend, claims of the defendants the sum of Ten Thousand (\$10,000.00) Dollars as damages for that on to-wit; May 12th, 1949, the defendants' servant, agent, or employee, whose name to plaintiff is unknown, was operating an automobile truck of the defendants' on a public highway in Baldwin County, Alabama, being that public highway leading from Loxley to Belforest, in Baldwin County, near Fish River bridge, at or about six o'clock P. M., and that while the plaintiff was sitting upon the rear of an automobile truck which had stopped on said highway to the right of the center line on its side of

such highway, the servant, agent or employee of the defendants then and there, while acting within the line and scope of his employment as such, did so negligently operate or control the movement of said automobile truck, that as a proximate result of such negligence it was caused to collide with or bump into the rear end of the truck upon which the plaintiff was sitting, catching the plaintiff's leg between the truck on which he was sitting and the automobile truck of the defendants, breaking his leg and knee, and rendering it permanently stiff and him permanently lame, and otherwise bruising and lacerating him and causing him much physical pain and mental anguish and causing him to spend considerable moneys for medical attention, medicines and hospitalization, and which injuries were the proximate result of the negligence of defendants' agent, employee or servant while acting within the line and scope of his authority as such, all of which caused plaintiff to suffer the damages aforesaid.

SECOND:

The plaintiff, a minor over the age of 14 years, suing by Ida Chancley, next friend, claims of the defendants the sum of Ten Thousand (\$10,000.00) Dollars as damages for that on to-wit; May 12th, 1949, the defendants' agent, employee or servant, whose name to plaintiff is unknown, was operating an automobile truck of the defendants' on a public highway in Baldwin County, Alabama, being that public highway leading from Loxley to Belforest, in Baldwin County, near Fish River bridge, at or about six o'clock P. M., and that while the plaintiff was sitting upon the rear of an automobile truck which had stopped on said highway to the right of the center line on its side of such highway, the agent, employee or servant of the defendants then and there, while acting within the line and scope of his employment as such, did so negligently operate or control the movement of said automobile truck, that as a proximate result of such negligence it was caused to collide with or bump into the plaintiff, catching the plaintiff's leg between the truck on which he was sitting and the automobile truck of the defend-

ants, breaking his leg and knee, and rendering it permanently stiff and him permanently lame, and otherwise bruising and lacerating him and causing him much physical pain and mental anguish and causing him to spend considerable moneys for medical attention, medicines and hospitalization, and which injuries were the proximate result of the negligence of defendants' agent, employee or servant while acting within the line and scope of his authority as such, all of which caused plaintiff to suffer the damages aforesaid.

THIRD:

The plaintiff, a minor over the age of 14 years, suing by Ida Chanoley, next friend, claims of the defendants the sum of Ten Thousand (\$10,000.00) Dollars as damages for that on to-wit; May 12th, 1949, the defendants agent, employee or servant, whose name to plaintiff is unknown, was operating an automobile truck of the defendants' on a public highway in Baldwin County, Alabama, being that public highway leading from Loxley to Belforest, in Baldwin County, near Fish River bridge, at or about six o'clock P.M., and that while the plaintiff was sitting upon the rear of an automobile truck which had stopped on said highway to the right of the center line on its side of such highway, the agent, employee or servant of the defendants then and there, while acting within the line and scope of his employment as such, did so negligently operate or control the movement of said automobile truck, that as a proximate result of such negligence it was caused to collide with or bump into the rear end of the truck upon which the plaintiff was sitting, catching the plaintiff's leg between the truck on which he was sitting and the automobile truck of the defendants, breaking his leg and knee, and rendering it permanently stiff and him permanently lame, and otherwise bruising and lacerating him and causing him much physical pain and mental anguish and causing him to spend considerable moneys for medical attention, medicines and hospitalization, and which injuries were the proximate result of the negligence of defendants' agent, employee or servant while

acting within the line and scope of his authority as such, all of which caused plaintiff to suffer the damages aforesaid.


And plaintiff avers that the defendants' said agent, employee or servant, whose name to plaintiff is unknown, while acting within the line and scope of his employment as such agent, employee or servant, at said time and place, wantonly injured the plaintiff by wantonly running an automobile truck of the defendants into the automobile truck on which plaintiff was sitting at said time and place, and as a proximate result of said wanton conduct plaintiff avers that he was caused to sustain, and did sustain, the injuries and damages complained of and set out aforesaid.

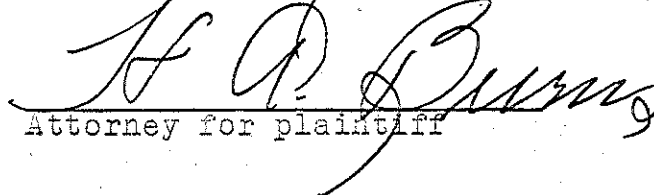
FOURTH:

The plaintiff, a minor over the age of 14 years, suing by Ida Chancley, next friend, claims of the defendants the sum of Ten Thousand (\$10,000.00) Dollars as damages for that on to-wit; May 12th, 1949, the defendants' agent, employee or servant, whose name to plaintiff is unknown, was operating an automobile truck of the defendants' on a public highway in Baldwin County, Alabama, being that public highway leading from Loxley to Belforest, in Baldwin County, near Fish River bridge, at or about six o'clock P.M., and that while the plaintiff was sitting upon the rear of an automobile truck which had stopped on said highway to the right of the center line on its side of such highway, the agent, employee or servant of the defendants then and there, while acting within the line and scope of his employment as such, did so negligently operate or control the movement of said automobile truck, that as a proximate result of such negligence it was caused to collide with or bump into the plaintiff, catching the plaintiff's leg between the truck on which he was sitting and the automobile truck of the defendants, breaking his leg and knee, and rendering it permanently stiff and him permanently lame, and otherwise bruising and lacerating him and causing him much physical pain and mental anguish and

causing him to spend considerable moneys for medical attention, medicines and hospitalization, and which injuries were the proximate result of the negligence of defendants' agent, employee or servant while acting within the line and scope of his authority as such, all of which caused plaintiff to suffer the damages aforesaid.

And plaintiff avers that the defendants' agent, employee or servant, whose name to plaintiff is unknown, while acting within the line and scope of his employment as such agent, employee or servant, at said time and place, wantonly injured plaintiff by wantonly running an automobile truck of the defendants into plaintiff at said time and place, and as a proximate result of such wanton conduct plaintiff avers that he was caused to sustain, and did sustain, the injuries and damages complained of and set out aforesaid.


Attorney for plaintiff


Attorney for plaintiff

Received in Sheriff's Office
this 20 day of Dec. 1949
TAYLOR WILKINS, Sheriff

Executed Dec 29-1949
By Serving copy on
A. A. Corte & Sons
& Co.
J. A. Corte
E. D. Corte

A. J. Corte
Albert Corte
Ferdinand A. Corte
Julio Corte
Adele Corte

Sheriff
Taylor Wilkins

By
Edleigh Steadham

Harold Kancley

A. G. Corte & Sons,
et al

Complaint

Filed Dec 20, 1949
W. C. Beebe
Clerk

RECORDED

W. C. BEEBE
LAWYER
BAY MINETTE, ALA.

HAROLD CHANCLEY, by IDA CHANCLEY,
next friend, Plaintiff

vs.

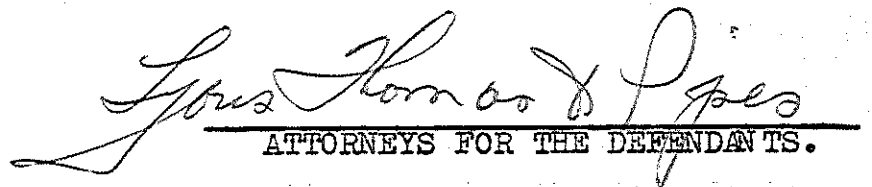
A. A. CORTE & SONS, A co-partnership,
et al, Defendants.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALA.
)
)
)
)

NO. 1448.

Come the defendants separately and severally in the above
entitled cause, and for answer to plaintiff's complaint, and each
and every count thereof, separately and severally file the following
separate and several demurrers, to-wit:

1. Said counts set out the breach of no duty owed by the defen-
dants, nor any of them, to this plaintiff.
2. Said counts set out no duty owed by the defendants, nor any
of them, to the plaintiff.
3. Said counts are vague, uncertain and indefinite.
4. From aught that appears in said counts, the plaintiff himself
was guilty of negligence which proximately contributed to his own
injury.
5. Said counts nor any of them, set up any willful or wanton
conduct on the part of the defendants, nor any of them.


ATTORNEYS FOR THE DEFENDANTS.

RECORDED

FILED

JAN 28 1950

ALICE J. RUCK, Clerk

[Handwritten signature]

HAROLD CHANCLEY, BY IDA
CHANCLEY, NEXT FRIEND, PLAINTIFF
VS.
A. A. CORTE & SONS, ET AL,
DEFENDANTS.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA.
)
)
) AT LAW NO. 1448

Come the defendants in the above entitled cause and for
answer to plaintiff's complaint pleads:

1. The general issue.
2. Not guilty.
3. Not guilty of the matters and things alleged in plaintiff's
complaint.
4. For further answer to plaintiff's complaint, and each and
every count thereof, the defendants state that the plaintiff himself
was guilty of negligence which proximately contributed to his own
injury.

Louis Thomas & Pipes
ATTORNEYS FOR THE DEFENDANTS.

RECORDED

Plea

Filed July 2, 1950
J. Fair J. Mashburn
Judge
C. L. D.

1498

LYONS, THOMAS & PIPES

ATTORNEYS AT LAW

517-519 FIRST NATIONAL BANK BUILDING

MOBILE 8 ALABAMA

JOSEPH H. LYONS
DANIEL H. THOMAS
SAM W. PIPES, III

January 27th, 1950.

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

Re: Harry Chancley by Ida Chancley, next friend
v. A. A. Corte & Sons.

Dear Mrs. Duck:

We enclose demurrers in the above case which I will thank you to mark filed. My time for pleading is just about up, so I will thank you to please mark them filed tomorrow, January 28th. I enclose copy to be served on Mr. Beebe. Kindly acknowledge receipt of the above on the enclosed copy of this letter. Thanking you in advance, I am,

Very truly yours,


Daniel H. Thomas

DHT:ee