

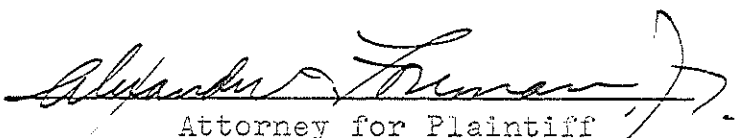
LAWRENCE L. MALONE and JOHN C. : IN THE CIRCUIT COURT OF  
MALONE, JR., individually and as : BALDWIN COUNTY, ALABAMA  
co-partners doing business under :  
the firm name and style of : AT LAW  
MALONE PONTIAC MOTORS, :  
Plaintiffs, : NO. 2024

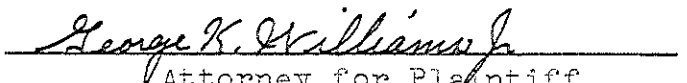
vs. :  
JOHNNIE J. HARVILL and W. H. :  
WHITMAN, d/b/a WHITMAN'S TRUCK :  
LINES, jointly and individually, :  
Defendants, :

Plaintiffs claim of the Defendants the sum of, to-wit, ONE THOUSAND (\$1,000) DOLLARS damages, for that heretofore on, to-wit, the 10th day of April, 1953, the Defendant, Johnnie J. Harvill, an agent, servant, or employee of the Defendant, W. H. Whitman d/b/a Whitman's Truck Lines, while acting within the line and scope of his employment as such, so negligently operated a motor vehicle on and along U. S. Highway 31 at a point approximately five miles north of Bay Minette, Alabama, which said highway at said point is a public highway in Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, on, over, against, or upon an automobile owned by the Plaintiffs, which said automobile was then and there being driven southwardly on said U. S. Highway 31, and as a proximate consequence of the negligent operation of said motor vehicle at said time and said place by the Defendant, Johnnie J. Harvill, while acting within the line and scope of his employment as an agent, servant or employee of the Defendant, W. H. Whitman d/b/a Whitman's Truck Lines, the Plaintiffs' automobile was badly bent, broken, smashed, and otherwise damaged; hence this suit.

FILED

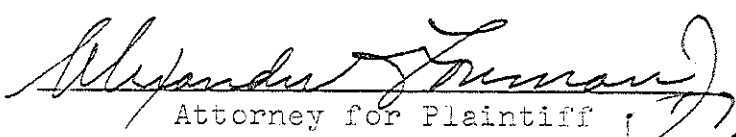
6-25-53  
ALICE J. DUCK, Clerk

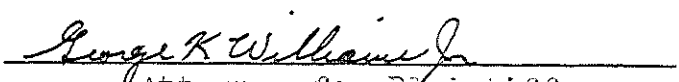
  
Attorney for Plaintiff  
Suite 214  
First National Bank Annex

  
Attorney for Plaintiff

Defendants Address: Plaintiffs respectfully demand trial by jury.

Johnnie J. Harvill  
209 King Street  
Greenville, Alabama  
  
W. H. Whitman  
Whitman's Truck Lines  
Greenville, Alabama

  
Attorney for Plaintiff

  
Attorney for Plaintiff

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2024

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Johnnie J. Harvill and W. H. Whitman, d/b/a  
Whitman's Truck Lines, jointly and individually

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 Johnnie J. Harvill  
and W. H. Whitman, d/b/a Whitman's Truck Lines, jointly and individually  
\_\_\_\_\_, Defendant....

by Lawrence L. Malone and John C. Malone, Jr., individually and as co-partners  
doing business under the firm name and style of Malone Pontiac Motors, Plaintiff....

Witness my hand this 25th day of June 1953

Archie J. Lenoir, Clerk

BOOK 001 PAGE 123

2024  
No. \_\_\_\_\_

Page \_\_\_\_\_

**THE STATE OF ALABAMA**  
BALDWIN COUNTY

**CIRCUIT COURT**

LAWRENCE L. MALONE and JOHN C.  
MALONE, JR., individually and as  
co-partners doing business under  
the firm name and style of MALONE  
PONTIAC MOTORS,

Plaintiffs

vs.

JOHNNIE J. HARVILL and W. H.  
WHITMAN, d/b/a WHITMAN'S TRUCK  
LINES, jointly and individually,

Defendants

**SUMMONS and COMPLAINT**

Filed 6-25, 1953 -

Alvin French, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

June 25, 1953

Raymond E. Kent, Sheriff

I have executed this summons

this 6-27, 1953..  
by leaving a copy with

Johnnie J. Harvill  
and W. H. Whitman

J. E. Kent

Sheriff

Deputy Sheriff

LAWRENCE L. MALONE and JOHN C. MALONE, JR., individually and as co-partners doing business under the firm name and style of MALONE PONTIAC MOTORS,	:	
	:	IN THE CIRCUIT COURT OF
	:	BALDWIN COUNTY, ALABAMA
Plaintiffs,	:	AT LAW
vs.	:	NO. 2024
JOHNNIE J. HARVILL and W. H. WHITMAN, d/b/a WHITMAN'S TRUCK LINES, jointly and individually,	:	
Defendants.	:	

Come now the plaintiffs in the above styled cause, and appearing separately and severally for the sole purpose of filing the following separate and several pleas in abatement, and for no other purpose, plead separately and severally in abatement to the separate and several Pleas A and B of the defendant, W.H. Whitman, individually and as a sole trader doing business as Whitman Truck Lines, as follows, separately and severally:

1. That it affirmatively appears from the record in this cause that the clerk of this court has not issued a copy of said plea to the Sheriff of Baldwin County.

2. That it affirmatively appears from the records in this cause that a copy of said plea has not been served by the Sheriff of Baldwin County or any other county of the state of Alabama upon the plaintiffs or their attorney of record in the cause in the manner that copies of complaints are now served and made his return of such service upon the original plea as required by Section 359 of Title 7 of the Code of Alabama of 1940.

WHEREFORE, the plaintiffs plead that the cause of action stated in the separate and several Pleas A and B filed in said cause by the defendant, W.H. Whitman, individually and as a sole trader doing business as Whitman Truck Lines, be abated, and that the plaintiff s be discharged thereunder with reasonable costs in this behalf expended.

  
 Attorney for Plaintiffs

-2-

STATE OF ALABAMA :

COUNTY OF MOBILE :

Before me, Joseph M. Hocklander, a Notary Public in and for said county in said state, personally appeared Alexander Foreman, Jr., who, being by me first duly sworn, deposes and says that he is attorney of record for the plaintiffs in the above styled cause, and that he is cognizant of the facts stated in the above and foregoing pleas in abatement, and that the facts stated therein are true to the best of his knowledge, information and belief.

Sworn to and subscribed before me,  
this 9th day of March, 1954.

Joseph M. Hocklander  
Notary Public, Mobile County, Alabama

FILED

3-10-54

WILLIE L. DUNN, Clerk

2024

FILED  
MAR 10 1954  
ALICE J. DICK, Clerk

RECEIVED MAR 10 1954

RECEIVED MAR 10 1954

RECEIVED MAR 10 1954

RECEIVED MAR 10 1954

RECEIVED MAR 10 1954

MCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING

TELEPHONE 3-6556 P. O. BOX 1070

MOBILE 6, ALABAMA

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

March 3, 1954

Mrs. Alice J. Duck, Clerk  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: No. 2024  
Malone vs. Harvill et al

Enclosed herewith is counter-claim in the above styled cause which I shall greatly appreciate your filing. I am today mailing a copy of the counter-claim and of this letter to Mr. Alexander Foreman, Jr., Attorney for Plaintiffs.

Very truly yours,



RFA:mah  
Encl.

cc: Mr. Alexander Foreman, Jr.  
Attorney at Law  
Mobile, Alabama

LAWRENCE L. MALONE and JOHN C.  
MALONE, JR., individually and as  
co-partners doing business under  
the firm name and style of  
MALONE PONTIAC MOTORS,

Plaintiffs,

vs.

JOHNNIE J. HARVILL AND W. H.  
WHITMAN, d/b/a WHITMAN'S TRUCK  
LINES, jointly and individually,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2024

Comes the Defendant, W. H. Whitman, individually and as a sole trader doing business as Whitman Truck Lines, and, with leave of Court first had and obtained, files separately and severally the following additional separate and several pleas to Plaintiffs' complaint:

A. Said Defendant, as a further defense to the action of the Plaintiffs saith that at the time said action was commenced, the Plaintiffs were indebted to him in the sum of THIRTY-FIVE HUNDRED AND NO/100 (\$3500.00) DOLLARS as unliquidated damages due by the Plaintiffs to the Defendant for that heretofore and on, to-wit, the 10th day of April, 1953, the agent, servant or employee of the Plaintiffs, while acting within the line and scope of his said employment so negligently operated a motor vehicle on U. S. Highway 31 in Baldwin County, Alabama, at a point about three and one-half miles east of Bay Minette, as to cause or allow said motor vehicle to collide with the truck and trailer of this Defendant, which was then and there being operated in a northerly direction on said Highway, and as a proximate result of said negligence this Defendant's said truck and trailer were badly bent, broken, smashed and otherwise damaged, all to the damage of your Defendant as aforesaid, and the Defendant heretofore offers to set off his claim against the demand of the Plaintiffs.

B. Now comes the said Defendant and claims of the Plaintiffs by way of recoupment the sum of THIRTY-FIVE HUNDRED AND NO/100



2.

(\$3500.00) DOLLARS as damages for that heretofore and on, to-wit, the 10th day of April, 1953, the agent, servant or employee of the Plaintiffs, while acting within the line and scope of his <sup>said</sup> employment so negligently operated an automobile on U. S. Highway 31 in Baldwin County, Alabama at a point about three and one-half miles east of Bay Minette, as to cause or allow said automobile to collide with the truck and trailer of this Defendant which was then and there being operated in a northerly direction on said Highway, and as a proximate result of said negligence this Defendant's said truck and trailer were badly bent, smashed and otherwise broken, all to the damage of this Defendant as aforesaid, for all of which this Defendant brings this his counter-claim and asks judgment against Plaintiffs in the amount of THIRTY-FIVE HUNDRED AND NO/100 (\$3500.00) DOLLARS.

McCORVEY, TURNER, ROGERS, JOHNSTONE &amp; ADAMS

BY: 

Attorneys for Defendant W. H. Whitman,  
individually and as a sole trader doing  
business as Whitman Truck Lines

FILED

3-4-54

ALICE J. DUCK, Clerk

LAWRENCE L. MALONE and JOHN C.  
MALONE, JR., individually and as  
co-partners doing business under  
the firm name and style of  
MALONE PONTIAC MOTORS,

Plaintiffs,

vs.

JOHNNIE J. HARVILL and W. H.  
WHITMAN, d/b/a WHITMAN'S TRUCK  
LINES, jointly and individually,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. \_\_\_\_\_

Come the defendants separately and severally and for  
answer to plaintiffs' complaint, file the following separate  
and several pleas:

1. Not guilty.
2. The allegations of the complaint are untrue.
3. For further answer to plaintiffs' complaint defendants  
aver that the agent, servant or employee of the plaintiffs,  
while acting within the line and scope of his employment as  
such, at the time and place alleged in the complaint was  
himself guilty of negligence which proximately contributed  
to plaintiffs' injuries and damages, wherefore plaintiffs  
cannot recover.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

BY: 

Attorneys for Defendants

Service accepted this the 16<sup>th</sup> day of July, 1953.

  
One of Attorneys for Plaintiffs

FILED

7-18-53

ALICE J. DUCK, Clerk

2024

FILED  
JUL 18 1953  
ALICE J. DICK, Clerk

MC CORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS  
ATTORNEYS AT LAW  
NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING  
MOBILE, ALABAMA

ALEXANDER FOREMAN, JR.  
ATTORNEY AT LAW  
SUITE 214 FIRST NATIONAL BANK ANNEX  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
JOSEPH M. HOCKLANDER  
GEORGE K. WILLIAMS, JR.

August 9, 1954

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


Re: Lawrence L. Malone and John C.  
Malone, Jr., individually and  
as co-partners doing business  
under the firm name and style of  
Malone-Pontiac Motors, vs.  
Johnnie J. Harvill and W.H.  
Whitman, at Law No. 2024

Dear Mrs. Duck:

I shall appreciate your causing the above styled  
cause to be dismissed on motion of the plaintiffs,  
with the cost taxed against the defendant Whitman.  
I am enclosing herewith a letter from Mr. Adams, of  
McCorvey, Turner, Rogers, Johnstone and Adams, con-  
senting to the dismissal of the action, and requesting  
that you furnish them with the court cost bill.

I shall appreciate your letting me have a letter  
from you, advising that the case has been dismissed  
and the cost taxed against the defendant Whitman.

Yours very truly,

  
ALEXANDER FOREMAN, JR.

AFJr/am  
Encl.

August 30, 1954

Hon: A. Foreman  
Annex, First National Bank  
Mobile, Ala.

Dear Sir:

Re: Lawrence L. Malone and John C.  
Malone, Jr., individually and  
as co-partners doing business  
under the firm name and style of  
Malone-Pontiac Motors, vs.  
Johnnie J. Harvill and W. H.  
Whitman, at Law No. 2024

The above styled cause was dismissed out of this court on  
the 27th day of August 1954, and the defendant taxed with the  
cost.

Yours very truly,

Clerk Circuit Court

AJD/bc

CC: McCorvey, Turner, Rogers,  
Johnston & Adam.

C O P Y

August 11, 1954

Hon: Alexander Foreman  
First National Bank Bldg.  
Mobile, Ala.

Dear Sir:

Re: Lawrence L. Malone etal  
vs.  
Johnny J. Harvill etal

The above styled case will be dismissed at the regular call of Court Tuesday August 16th, at which time you will receive notice and cost bill will be mailed to Mr. Adams.

Very truly yours,

---

Clerk, Circuit Court

AJD/bc

cc: McCorvey, Turner, Rogers, Johnstone, & Adams, Attorneys at Law.

C O P Y

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

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING  
TELEPHONE 3-6556 P. O. BOX 1070  
MOBILE 6, ALABAMA

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

July 23, 1954

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

Dear Mrs. Duck:

As attorneys for W. H. Whitman, doing business as Whitman Truck Lines, we hereby consent that the suit brought by Malone Pontiac Motors against Harvill and Whitman, which is No. 2024 on your Law Docket, be dismissed on motion of plaintiffs, and that costs be taxed against Whitman.

Please send us a costs bill as soon as the suit has been dismissed.

Very truly yours,



cc:Prestwood & Prestwood  
Attorneys for Johnnie J. Harvill  
Andalusia, Ala.

RFA/llf

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

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING  
TELEPHONE 3-6556 P. O. BOX 1070  
MOBILE 6, ALABAMA

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

December 14, 1953

Mrs. Alice J. Duck, Clerk

Bay Minette, Alabama

Dear Mrs. Duck:

Re: No. 2024 - Malone vs. Harvill et al

I shall appreciate it if you will file the enclosed answers by W. H. Whitman to interrogatories propounded to him in this case, service of a copy having been accepted by Mr. Foreman.

Very truly yours,



RFA:mah  
Encl.



ALEXANDER FOREMAN, JR.  
ATTORNEY AT LAW  
SUITE 214 FIRST NATIONAL BANK ANNEX  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
JOSEPH M. HOCKLANDER  
GEORGE K. WILLIAMS, JR.

June 23, 1953

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

Re: Lawrence L. Malone and John  
C. Malone, Jr. vs. Johnnie  
J. Harvill and W. H. Whitman

Dear Mrs. Duck:

Enclosed herewith you will please find complaint in triplicate which I shall appreciate your causing to be filed in the above matter. By copy of this letter I am requesting the Honorable Taylor Wilkins, Sheriff of Baldwin County, to forward copies of the summons and complaint to the Sheriff of Butler County, Alabama for service upon the Defendants at the addresses shown at the bottom of the complaint.

I am not familiar with the custom in Baldwin County relative to the summons. If you do not customarily attach the summons to the complaint, please return this complaint to me and I shall retype it to include a summons.

Very truly yours,

ALEXANDER FOREMAN, JR.

By *George K. Williams Jr.*  
George K. Williams, Jr.

GKWjr/mf

cc: Honorable Taylor Wilkins  
Sheriff of Baldwin County  
County Courthouse  
Bay Minette, Alabama

no 2024 ~~Jury~~

Lawrence L. Malone  
& John C. Malone Jr

vs

Johnnie L. Harvill &  
W. W. Whitman

Damages

Filed 6-25-53

Alexander Foreman -

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING

TELEPHONE 3-6556 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  
ALEX T. HOWARD, JR.

July 17, 1953

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

Dear Mrs. Duck:

We shall appreciate it if you will file the enclosed answer in the suit brought by Malone et al vs. Harvill et al, service of which has been accepted by one of the attorneys for plaintiffs.

Very truly yours,



RFA:mah  
Encl.

LAWRENCE L. MALONE and JOHN C. MALONE, JR., individually and as co-partners doing business under the firm name and style of MALONE PONTIAC MOTORS,	:	
Plaintiffs,	:	AT LAW
vs.	:	NO. 2024
JOHNNIE J. HARVILL and W. H. WHITMAN, d/b/a WHITMAN'S TRUCK LINES, jointly and individually,	:	
Defendants.	:	

Come now the plaintiffs in the above styled cause, and appearing separately and severally for the sole purpose of filing the following separate and several pleas in abatement, and for no other purpose, plead separately and severally in abatement to the separate and several Pleas A and B of the defendant, W.H. Whitman, individually and as a sole trader doing business as Whitman Truck Lines, as follows, separately and severally:

1. That it affirmatively appears from the record in this cause that the clerk of this court has not issued a copy of said plea to the Sheriff of Baldwin County.

2. That it affirmatively appears from the records in this cause that a copy of said plea has not been served by the Sheriff of Baldwin County or any other county of the state of Alabama upon the plaintiffs or their attorney of record in the cause in the manner that copies of complaints are now served and made his return of such service upon the original plea as required by Section 359 of Title 7 of the Code of Alabama of 1940.

WHEREFORE, the plaintiffs plead that the cause of action stated in the separate and several Pleas A and B filed in said cause by the defendant, W.H. Whitman, individually and as a sole trader doing business as Whitman Truck Lines, be abated, and that the plaintiff s be discharged thereunder with reasonable costs in this behalf expended.

  
 Attorney for Plaintiffs

STATE OF ALABAMA :

COUNTY OF MOBILE :

Before me, Joseph M Hocklander, a Notary Public in and for said county in said state, personally appeared Alexander Foreman, Jr., who, being by me first duly sworn, deposes and says that he is attorney of record for the plaintiffs in the above styled cause, and that he is cognizant of the facts stated in the above and foregoing pleas in abatement, and that the facts stated therein are true to the best of his knowledge, information and belief.

Alexander Foreman Jr.

Sworn to and subscribed before me,  
this 9<sup>th</sup> day of March, 1954.

Joseph M Hocklander  
Notary Public, Mobile County, Alabama

FILED  
MAR 10 1954  
MOBILE ALA

FILED  
MAY 10 1934  
MAY 2 1934, CHS

Wanda Lupton, Mobile County, Virginia  
*Wanda Lupton*

THIS 27th day of March, 1934,  
known to and subscribed before me,

*Wanda Lupton*

and percol.  
stated therein are true to the best of his knowledge, information  
the above and foregoing facts in testimony, and that the facts  
stated herein are true to the best of his knowledge, information  
that he is reported of record for the District in the above  
foreman, Jr., who, being paid me that girl woman, George and wife  
in and for said record in said name, personally observed Virginia  
before me, *Wanda Lupton*, a Notary Public

COUNTY OF MOBILE :

STATE OF VIRGINIA :

ALEXANDER FOREMAN, JR.  
ATTORNEY AT LAW  
SUITE 214 FIRST NATIONAL BANK ANNEX  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
JOSEPH M. HOCKLANDER  
GEORGE K. WILLIAMS, JR.

August 11, 1953

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

Re: Lawrence L. Malone and John C. Malone,  
Jr., individually and as co-partners,  
d/b under the firm name and style of  
Malone Pontiac Motors vs Johnnie J.  
Harvill and W. H. Whitman, d/b/a Whit-  
man's Truck Lines, jointly and individ-  
ually  
Case No. 2024

Dear Mrs. Duck:

Enclosed herewith you will find interrogatories propounded by  
the plaintiffs to each of the defendants in the above matter. The  
attorney for the defendants has accepted service in each instance  
and has so noted on the interrogatories.

I shall appreciate your filing these in this case.

Very truly yours,

ALEXANDER FOREMAN, JR.

By *George K. Williams, Jr.*  
George K. Williams, Jr.

GKWjr/mf

LAWRENCE L. MALONE and JOHN	:	IN THE CIRCUIT COURT
C. MALONE, JR., individually	:	OF
and as co-partners, d/b/ under	:	BALDWIN COUNTY, ALABAMA
the firm name and style of	:	
MALONE PONTIAC MOTORS,	:	
Plaintiffs,	:	AT LAW.
vs.	:	NO. 2024
JOHNNIE J. HARVILL and W. H.	:	
WHITMAN, d/b/a WHITMAN'S TRUCK	:	
LINES, jointly and individually,	:	
Defendants.	:	

Come now the Plaintiffs in the above styled cause and propound to the Defendant Johnnie J. Harvill the following separate and several interrogatories:

1. Please state your name and address.
2. Please state whether an automotive truck driven by you was involved in an accident on or about April 10, 1953.
3. If your answer to Interrogatory No. 2 is in the affirmative, please state where said accident occurred.
4. If your answer to Interrogatory No. 2 is in the affirmative, please state the name of the owner of the automotive truck which you were driving at the time of the accident.
5. If your answer to Interrogatory No. 2 is in the affirmative, please describe said automotive truck giving its make, model, body type, and state registration tag number.
6. Please state on what highway and in what direction you were traveling at the time of the above referred to accident.
7. Please state whether you observed any other traffic on said highway immediately prior to or at the time of said accident
  - (a) traveling in the same direction as you, and
  - (b) traveling in the opposite direction.
8. Please state whether there was an automotive truck operated by Whitman's Truck Lines proceeding in the same direction with you and ahead of the truck you were driving.
9. Please describe the condition of the highway at the time and place of the accident.
10. Please state to the best of your ability your speed at the following times:



- (a) when 100 yards from the point of impact.
- (b) when you first observed the automobile with which you collided.
- (c) when 25 yards from the point of impact.
- (d) when 10 yards from the point of impact.
- (e) at the time of impact.

11. Please state whether the road was level or whether you were going uphill or downhill at the point where this accident occurred.

12. If your answer to Interrogatory No. 11 is that you were going uphill, please state to the best of your ability how far you were from the crest of the hill.

13. Please state whether there was a solid yellow line next to the center line of the highway on the right side of the highway for traffic going in the direction you were traveling.

14. Please describe to the best of your ability the automobile with which you collided.

15. Please state the distance to the automobile with which you collided when you first observed it.

16. Please state in which direction the above referred to automobile was traveling when first observed.

17. Please state to the best of your ability the speed at which the automobile with which you collided was traveling

- (a) when you first observed it, and
- (b) at the point of impact.

18. Please state where, with reference to the center line of the road, the impact occurred.

19. Please state whether you applied your brakes immediately before the impact occurred and, if so, approximately how many feet from the point of impact.

20. Please state whether you observed any skid marks at the scene of the accident.

21. If your answer to Interrogatory No. 20 is in the affirmative, please state their length and position relative to the point of impact, to the best of your ability.

22. Please state on which side of the highway the automotive

truck you were driving came to a stop after the collision occurred.

23. Please state to the best of your ability the distance between the point where the truck you were driving came to a stop and (a) the point of impact, and (b) with respect to either edge of the pavement.

24. Please state whether you were attempting to pass a vehicle in front of you immediately before the accident.

25. Please state whether there were any mechanical defects in the automotive truck you were driving which contributed to this accident and, if so, what those defects were.

26. If your answer to Interrogatory No. 25 is that you do not know, please state whether you have any reason to believe that there might have been any mechanical defects and, if so, what reasons you have.

27. Please state what, if anything, you did to avoid a collision when you discovered that you had crossed the center of the road into the path of the vehicle with which you collided.

28. Please state whether you were awake, conscious, and in full possession of your mental and physical faculties immediately prior to the accident.

29. Please state by whom you were employed on April 10, 1953.

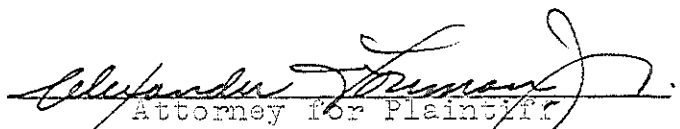
30. Please state at what hour you went to work and at what hour you quit work on that date.

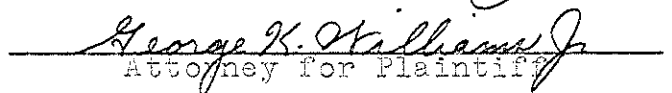
31. Please state whether driving a truck was one of your regular duties of the job at which you were then employed.

32. Please state who instructed you to make the trip during which the accident occurred on April 10, 1953.

33. Please state where you commenced that particular trip, your destination, and the purpose of the trip.

34. Please state whether you were making a trip in the course of your employment by Mr. W. E. Whitman, doing business as Whitman's Truck Lines, at the time the accident referred to above occurred..

  
Attorney for Plaintiff

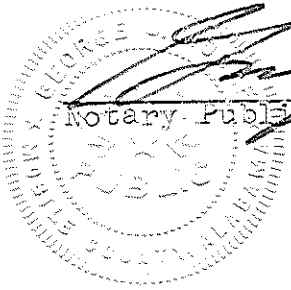
  
Attorney for Plaintiff

Service accepted 8/11/53  
M. Adam  
one of atty for def.

Before me, the undersigned authority, personally appeared George K. Williams, Jr., who, being by me first duly sworn, deposes and says that he is one of the attorneys for the Plaintiffs and as such is authorized to make this affidavit, and he further says that the Defendant's answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Plaintiffs on the trial of the above case.

George K. Williams, Jr.  
George K. Williams, Jr.

Sworn to and subscribed before  
me on this 10<sup>th</sup> day of August, 1953.

 George K. Williams, Jr.  
Notary Public, Mobile County, Alabama

We hereby accept service on the \_\_\_\_\_ day of \_\_\_\_\_, 1953.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By \_\_\_\_\_  
Robert F. Adams  
Attorney for Defendant

LAWRENCE L. MALONE and JOHN	:	IN THE CIRCUIT COURT
C. MALONE, JR., individually	:	
and as co-partners, d/b/	:	OF
under the firm name and style	:	
of MALONE PONTIAC MOTORS,	:	BALDWIN COUNTY, ALABAMA
Plaintiffs,	:	AT LAW.
vs.	:	
JOHNNIE J. HARVILL and W. H.	:	
WHITMAN, d/b/a WHITMAN'S TRUCK	:	NO. 2024
LINEs, jointly and individually,	:	
Defendants.	:	

Come now the Plaintiffs in the above styled cause and propound to the Defendant W. H. Whitman the following separate and several interrogatories:

1. Please state whether you were doing business under the name of Whitman's Truck Lines on April 10, 1953.

2. Please state whether Johnnie J. Harvill was employed by you on April 10, 1953.

3. If your answer to Interrogatory No. 2 is in the affirmative, please state in what capacity he was employed and the nature of his duties in the course of his employment

4. Please state whether Johnnie J. Harvill was acting within the line and scope of his employment with you when he was driving a truck along Highway 31 approximately five miles north of Bay Minette, Alabama, at about 4:30 P. M. on April 10, 1953, or at the time a truck driven by him was involved in an accident on said highway at approximately said time and place.

5. Please state whether an automotive truck owned by you was involved in an accident on U. S. Highway 31 approximately five miles north of Bay Minette, Alabama, on April 10, 1953.

6. Please state whether you owned a 1948 International Tractor-Trailer automotive truck bearing registration tag Alabama 1953; 10 H2 528, on April 10, 1953.

*Alexander Thompson Jr.*  
Attorney for Plaintiff

*George K. Williams Jr.*  
Attorney for Plaintiff

*Service Accepted*  
*8/11/53*  
*W. Adams*  
*one of attys for def -*

STATE OF ALABAMA:

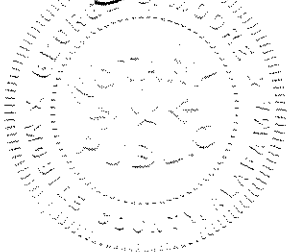
COUNTY OF MOBILE:

Before me, the undersigned authority, personally appeared George K. Williams, Jr., who, being by me first duly sworn, deposes and says that he is one of the attorneys for the Plaintiffs and as such is authorized to make this affidavit, and he further says that the Defendant's answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Plaintiffs on the trial of the above case.

George K. Williams, Jr.  
George K. Williams, Jr.

Sworn to and subscribed before me  
on this 10th day of August, 1953.

George J. Moore  
Notary Public, Mobile County, Alabama

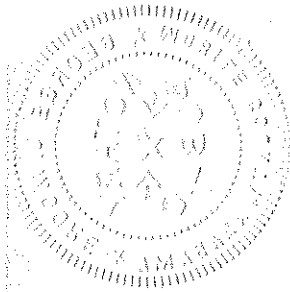


We hereby accept service on the \_\_\_\_\_ day of \_\_\_\_\_, 1953.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By \_\_\_\_\_  
Robert F. Adams  
Attorney for Defendant

2024



FILED  
AUG 12 1953  
ALICE J. DUCK, Clerk

LAWRENCE L. MALONE and JOHN  
C. MALONE, JR., individually  
and as co-partners, d/b/ under  
the firm name and style of  
MALONE PONTIAC MOTORS

PLAINTIFFS \*

VS. \*

JOHNNIE J. HARVILL and W. H.  
WHITMAN, d/b/a WHITMAN'S TRUCK  
LINES, jointly and individually,

DEFENDANTS \*

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2024

Now comes the defendant, Johnnie J. Harville, and for  
answer to the plaintiffs' interrogatories, in the order propounded,  
says as follows:

1. J. J. Harvill, 815 Herron St., Montgomery, Alabama.
2. Yes.
3. About 5 miles North of Bay Minette on U.S. Highway  
No. 31.

4. W. H. Whitman.

5. 1½ Ton International trailer-Wan type body. Do not  
know tag number.

6. Highway 31 - North.

7. a. Yes.

b. Yes.

8. Yes.

9. Hard surface, dry, upgrade, goind North.

10. a. About 35 or 40 miles per hour.

b. 34 to 38 miles per hour.

c. About the same 34 to 38 miles per hour.

d. Was applying brakes.

e. About 25 to 30 miles per hour.

11. Uphill.

12. About 100 yards.

13. I believe there was.

14. Dodge - 1947 or 1948 model.

15. About 30 yards.

16. Swerving in a southerly direction.

17. a. 70 to 80 miles per hour.  
b. 70 to 80 miles per hour.
18. Right of the center line going North.
19. Applied brakes when first saw swerving car and cut to right about 50 or 60 feet.
20. No, was knocked unconscious for three days.
21. Answered.
22. When truck came to a stop I was already hurt.
23. a. Don't know.  
b. Don't know.
24. No.
25. None.
26. Answered.
27. The impact caused my truck to veer to left.
28. I was awake, conscious, and in full possession of my mental and physical faculties.
29. W. H. Whitman.
30. 8:00 A. M. went to work and worked until I was hit by automobile.
31. Yes.
32. W. H. Whitman.
33. Mobile, destination Greenville, Alabama, hauling freight.
34. Yes.

\*James A. Harvill  
Defendant

Sworn to and subscribed before me this 28 day of  
December, 1953.

Nelson Gantt  
Notary Public

Service accepted 1/2/54

Alexander Foreman, Jr.  
By George K. Williams Jr.



December, 1953.

Known to me and described below are the following:

34. Yes.

35. Yes.

36. Positive, description, description, description, description.

37. N. E. description.

38. Yes.

39. Yes.

40. 3:00 P. M. about 30 miles from New York I was

41. N. E. description.

42. Yes.

43. I was there, description, description, description.

44. The number seems to be about 30 miles from New York.

45. Description.

46. None.

47. No.

48. Description.

49. Description.

50. When I was there I was already there.

51. Description.

52. Yes.

53. Yes.

54. Positive, description, description, description, description.

55. Description of the center, description, description.

56. Description of the center, description, description.

57. Description of the center, description, description.

Filed 1-7-54  
Alice French  
Clerk

17. a. 70 to 80 miles per hour.  
b. 70 to 80 miles per hour.
18. Right of the center line going North.
19. Applied brakes when first saw swerving car and cut to right about 50 or 60 feet.
20. No, was knocked unconscious for three days.
21. Answered.
22. When truck came to a stop I was already hurt.
23. a. Don't know.  
b. Don't know.
24. No.
25. None.
26. Answered.
27. The impact caused my truck to veer to left.
28. I was awake, conscious, and in full possession of my mental and physical faculties.
29. W. H. Whitman.
30. 8:00 A. M. went to work and worked until I was hit by automobile.
31. Yes.
32. W. H. Whitman.
33. Mobile, destination Greenville, Alabama, hauling freight.
34. Yes.

\* James A. Harvill  
Defendant

Sworn to and subscribed before me this 28 day of  
December, 1953.

Helen Gantt  
Notary Public

Service accepted 1/2/54

Alexander Foreman, Jr.  
By George K. Williams Jr

December, 1923.

known to me; accordingly please do not say of

SECRETARY

*[Handwritten signature]*

20 24

1924.

30. Yes.

33. Positive; great deal of similarity; I think; I think

35. M. E. H. H. H. H.

37. Yes.

via the telephone.

38. 1:00 P. M. I am so busy and I am so busy and I am so busy

39. M. E. H. H. H. H.

or the matter and I am so busy and I am so busy

40. I am so busy and I am so busy and I am so busy

41. The subject seems to be very much so and so forth.

42. I am so busy.

43. Yes.

44. No.

45. I am so busy.

46. I am so busy.

47. I am so busy and I am so busy and I am so busy

48. I am so busy.

49. I am so busy and I am so busy and I am so busy

50. I am so busy and I am so busy and I am so busy

51. I am so busy and I am so busy and I am so busy

52. I am so busy and I am so busy and I am so busy

53. I am so busy and I am so busy and I am so busy

54. I am so busy and I am so busy and I am so busy

Filed 1-9-54  
Alice French  
Clerk

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

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING  
TELEPHONE 3-6556 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  
ALEX T. HOWARD, JR.

January 7, 1954

Mrs. Alice J. Duck, Clerk  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: 2024 - Malone vs. Harville et al

I shall appreciate it if you will file the enclosed answers by Johnny Harville to interrogatories propounded to him in this case, a copy having been given to Mr. Foreman, who accepted service as attorney for plaintiff.

Very truly yours,



RFA:mah  
Encls.

LAWRENCE L. MALONE and	:	IN THE CIRCUIT COURT OF
JOHN C. MALONE, JR., indi-	:	BALDWIN COUNTY, ALABAMA
vidually and as co-partners,	:	AT LAW
d/b/a under the firm name and	:	
style of MALONE PONTIAC MOTORS,	:	
Plaintiffs,	:	NO. 2024
vs	:	
JOHNNIE J. HARVILL and	:	
W. H. WHITMAN, d/b/a	:	
WHITMAN'S TRUCK LINES, jointly	:	
and individually,	:	
Defendants.	:	

Come now the Plaintiffs and show unto the Court that, pursuant to law in such cases made and provided, the Plaintiffs propounded interrogatories to the Defendant, W. H. Whitman, in the above styled cause; that same were served as required by law; that the time allowed by law to answer said interrogatories has expired; and that the Defendant, W. H. Whitman, has not answered said interrogatories.

Wherefore, the Plaintiffs move the Court:

1. To require the Defendant, W. H. Whitman, to answer said interrogatories on or before a day certain to be fixed by the Court.

2. To impose upon the Defendant, W. H. Whitman, such penalties as are provided by law for Defendant's failure to answer said interrogatories.

3. To tax the costs against the Defendant, W. H. Whitman.

4. To enter judgment by default against the Defendant, W. H. Whitman, without further or additional notice to said Defendant if the Defendant fails or refuses to answer said interrogatories on or before the date fixed by the Court by which the Defendant is required to answer.

  
 Attorney for Plaintiffs

2024

LAWRENCE L. MALONE and JOHN : IN THE CIRCUIT COURT  
C. MALONE, JR., individually :  
and as co-partners, d/b/ : OF  
under the firm name and style :  
of MALONE PONTIAC MOTORS, : BALDWIN COUNTY, ALABAMA  
  
Plaintiffs, : AT LAW.  
  
vs. :  
  
JOHNNIE J. HARVILL and W. H. : No. 2024  
WHITMAN, d/b/a WHITMAN'S TRUCK :  
LINES, jointly and individually, :  
  
Defendants. :

Comes W. H. Whitman and makes the following answers  
to interrogatories propounded to him by the Plaintiffs in  
this cause:

1. I was.
2. He was.
3. He was employed by me as a truck driver.
4. He could have been, and insofar as I know,

he was.

5. It was.
6. I did.

W. H. Whitman

State of Alabama  
County of Butler

Before me, J. P. Rogers, a Notary  
Public in and for said county in said state, personally  
appeared W. H. Whitman, who, being by me first duly sworn,  
deposes and says that the above answers to the foregoing  
interrogatories propounded to him are true and correct.

W. H. Whitman

Subscribed and sworn to before me on this 14<sup>th</sup>  
day of ~~October~~, 1953.

~~December~~

J. P. Rogers  
Notary Public, Butler County, Alabama.

Service accepted 12/14/53

Alexander Thomas  
Att'y for Plaintiff

2224

FILED  
DEC 15 1953  
ALICE L. DICK, clerk

MC CORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS  
ATTORNEYS AT LAW  
NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING  
MOBILE, ALABAMA