

Garnishment on Judgment.

The State of Alabama,
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

REGULAR

TERM, 1956

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular Term, 1954, of the Circuit Court of Baldwin County,
to-wit: On the 16 day of November, 1954, being a regular day of
said term,

Atlantic Finance Co., a corporation

recovered judgment against E. F. Godwin

for the sum of One thousand one hundred & two and 81/100 Dollars, and cost of suit,
and affidavit having been made by J. Connor Owens, Jr., attorney of record
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz:

N. A. Graham, d/b/a City Furniture Company

has or is believed to have in its possession, or under its control money
or effects belonging to said defendant E. F. Godwin or that said N. A. Graham is, or
is believed to be indebted to said defendant or to be liable to them, or to one of them on a
contract for the delivery of personal property, or on a contract for the payment of money which may be
discharged by the delivery of personal property, or which is payable in personal property.

You Are Therefore Hereby Commanded to Summon

N. A. Graham, d/b/a City Furniture Company

to be and appear before the honorable Judge of the Circuit Court for Baldwin County, at the Court House
thereof, in the city of Bay Minette, within thirty days of the service hereof

then and there within the three first days of the term, to answer on oath, whether at the time of the service
of the garnishment, or at the time making his answer, or at any time intervening the time of serv-
ing the garnishment, and making the answer he was or is indebted to said defendant
E. F. Godwin and whether he will not be indebted in future to said defendant

E. F. Godwin by a contract then existing, and whether by a contract then existing he
is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which
may be discharged by the delivery of personal property, or which is payable in personal property, and
whether he has not in his possession or under his control money or
effects belonging to the defendant E. F. Godwin

Herein fail not, and have you then and there this Writ.

Witness, ALICE J. DUCK, Clerk of said Court, this 4 day of May, A.D., 1956.

Issued 4th day of May A.D., 1956

ATTEST:

Alice J. Duck, Clerk.

Received 11 day of June 1956
and on _____ day of _____ 19____
served a copy of the within _____
on _____

By service on _____
TAYLOR WILKINS, Sheriff
By _____ D. S.

Received 13th Day of June 1956
and on 15th Day of June 1956
I served a copy of the within _____
by service on N. A. Graham, Owner

The Sheriff claims _____
miles at 10¢ per mile for
a total of \$ 10
Ray Bridges, Sheriff
Mobile County, Alabama

Circuit Court, Baldwin County

No. 2299 1/2

Atlantic Finance Co., a corp.

VS. } Garnishment On Judgment
15th } N. A. Graham, Owner
N. A. Graham, d/b/a City Furni-
ture Company, Garnishee

E. F. Godwin, Defendant

Issued _____ day of _____ 19____

Returnable _____ day of _____ 19____

FILED
MAY 4 1956

J. Connor Owens, Jr. Attorney

Printed by Moore Ptg. Co.

FILED
MAY 4 1956
AUCIE L. OWEN, CLERK

JOHN EDWARD STEWART,
Plaintiff,

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, A
Corporation,

Defendant

I

I

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. 2229

Comes now the Defendant, William McAdoo Cole, and for answer to the Interrogatories propounded to him by the Plaintiff in the above styled cause on June 17, 1954, says as follows:

1. William McAdoo Cole.
2. Thirty-six.
3. Monroeville, Alabama.
4. Colonial Trailways.
5. Operator.
6. Approximately six years.

7. I was operating a 29 passenger Flexible bus on June 27, 1953, ^{at 8:25 A.M.} at a point approximately .2 of a mile North of the city limits of Bay Minette, Baldwin County, Alabama. I do not know the license plate number of the Public Service Commission Registration number on the bus that I was operating.

8. Colonial Trailways.
9. Approximately 1200 times.

William McAdoo Cole

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Norborne C. Stone, Jr., a Notary Public, in and for said County in said State, personally appeared William McAdoo Cole, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is William McAdoo Cole and his name is signed to the foregoing answers to the Interrogatories propounded to him by John Edward Stewart and that he has read said answers and that they are true and correct.

Dated this 2nd day of August, 1954.

William McAdoo Cole
William McAdoo Cole

Sworn to and subscribed before
me this 2nd day of August, 1954.

Melburn Q. Stewart
Notary Public, Baldwin County, Alabama.

C
O
P
Y

JOHN EDWARD STEWART,

Plaintiff,

vs.

WILLIAM McADOO COLE and COLONIAL
TRAILWAYS, A Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

NO. 2229

ANSWERS TO INTERROGATORIES
PROPOUNDED TO DEFENDANT, WILLIAM
McADOO COLE.

FILED

AUG 3 1954

LAW OFFICES

Alice HASON & STONE

BAY MINETTE, ALABAMA

C
O
P
Y

JOHN EDWARD STEWART,

Plaintiff,

vs.

WILLIAM McADOO COLE and COLONIAL
TRAILWAYS, A Corporation,

Defendant,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

NO. 2229

ANSWERS TO INTERROGATORIES
PROPOUNDED TO DEFENDANT, WILLIAM
McADOO COLE.

FILED

AUG 3 1954

LAW OFFICES

ALICE CHASON & STONE

BAY MINETTE, ALABAMA

JURY LIST

Fall Term, September 13th, 1954

NO.	NAME	OCCUPATION	ADDRESS
1	George Garner	reserve flt.	Stockton
2	B. Gilbert	mechanic	Bay Minette
3	Carol Bemis	fisherman	Bon Secour
4	Max Davis	merchant	Foley
5	James Nelson	fisherman	Bon Secour
6	J. W. Nelson	mechanic	Daphne
7	Arthur Clink	dairyman	Fairhope
8	Charles Bishop	slaughter pen	Fairhope
9	Elmer Kinsey, Jr.	mechanic	Foley
10	Jesse Burke	merchant	Fairhope
11	Hiram C. Taylor	farmer	Bay Minette
12	Clarence V. Dryer	pottery	Daphne
13	Dorris Dukes	restaurant	Foley
14	John R. Soesbe	mechanic	Foley
15	Matt Roberson	laborer	Robertsdale
16	Roy Mahathy	defense	Stapleton
17	Vincent J. Kline	garage owner	Fairhope
18	A. C. Allegri, Jr.	bookkeeper	Loxley
19	Alton Crane	mechanic	Stockton
20	Frank J. Leutner	clerk	Summerdale
21	Einer Mikkelson	farmer	Summerdale
22	G. O. Votova	farmer	Robertsdale
23	Charlie Barnett	farmer	Gateswood
24	Thomas K. Jackson	farmer	Daphne
25	A. L. Craft	farmer	Daphne
26	Pete Fulford	fisherman	Bon Secour
27	A. W. Munnah	U. S. Govt.	Bay Minette
28	Carl F. Yenne	farmer	Point Clear
29	Anthony Smith	bank clerk	Foley
30	Chester Jones	Western Auto	Robertsdale
31	Sherman F. Lemler	utilities mgr.	Foley
32	D. O. Stuart	auditor	Foley
33	James T. Haden	salesman	Robertsdale
34	Joseph Liman	farmer	Lottie
35	W. B. Culver	nursery	Bay Minette
36	John A. Norris	farmer	Foley
37	A. E. Talbott		

37
4
33
12
21

P. XXXX XXXXX Y

D. XXXX XXXXX

JOHN EDWARD STEWART

Plaintiff

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, a
corporation,

Defendant

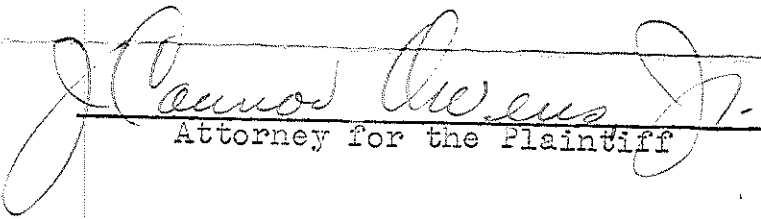
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

No. 1229.

INTERROGATORIES TO THE DEFENDANT, WILLIAM McADOO COLE

Comes the plaintiff in the above styled cause and propounds the following interrogatories to the defendant, William McAdoo Cole, as follows:

1. State your correct name.
2. State your correct age.
3. State your correct address.
4. State by whom you were employed on the 27th day of June, 1953.
5. If the answer to the preceeding question is Colonial Trailways, please state in what capacity were you employed.
6. How long had you been so employed?
7. State whether or not you were operating a 1952 Flexible 29 passenger bus, A. P. S. C. 7372, Registration 1953 Number 3Q3285 Alabama, at about 8:30 P. M. on June 27, 1953, at a point approximately .2 of a mile North of the city limits of Bay Minette on U. S. Highway 31 in Baldwin County, Alabama.
8. If you stated that you were operating said bus at said time and place, would you please state who the owner of the bus was on that date, time and place?
9. State the number of times that you had driven the route followed by you on June 27, 1953.


Attorney for the Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

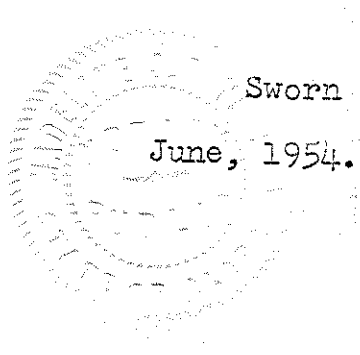
Before Madeline S. Byars, a Notary Public, in and for said County in said State, personally appeared J. Connor Owens, Jr., who is know to me, and who, after being by me first duly and legally sworn doth depose and say as follows:

That his name is J. Connor Owens, Jr., and that he is the Attorney of Record for John Edward Stewart, who is the Plaintiff in that certain action now pending in the Circuit Court of Baldwin County, Alabama, wherein William McAdoo Cole and Colonial Trailways are the Defendants. That the answer to the Interrogatories propounded above will be material testimony and evidence for the Plaintiff in said cause dated this 17th day of June, 1954.

J. Connor Owens, Jr.

Sworn to and subscribed before me this the 17th day of June, 1954.

Mabelle S. Brown
Notary Public



IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. 2429

JOHN EDWARD STEWART,
Plaintiff

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, a
corporation,
Defendant.

INTERROGATORIES TO THE
DEFENDANT, WILLIAM McADOO COLE

FILED

FILED

JUN 17 1954

ALICE J. DUCK, Clerk

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

Received in Sheriff's Office
this 18 day of June 1954
TAYLOR WILKINS, Sheriff

Executed this the 21 day of June 1954
on Lange, Simpson &
Robinson &
Somerville

Attorneys of Record.

by Ollie Littlejohn
agent of said Attorneys.

HOLT A. McDOWELL, Sheriff
Jefferson County, Alabama

By B. H. Anglin DS

JOHN EDWARD STEWART,

Plaintiff

vs.

WILLIAM McADCOO COLE and
COLONIAL TRAILWAYS, a
corporation,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

NO. 2229

Now comes the plaintiff, John Edward Stewart and files these
his answers to the interrogatories filed heretofore by the
defendant in this cause, and says

1. John Edward Stewart
2. 41
3. One-half mile North of Bay Minette on Route two
4. None
5. Irrelevant and immaterial
6. Irrelevant and immaterial
7. Irrelevant and immaterial
8. One-half mile north of Bay Minette on U. S. Highway 31
9. Yes (A) Still Motor Company (B) Filling Station attendant
(C) About nine months (D) \$45.00 per week
10. June 27, 1953
11. Approximately 8:30 in the evening
12. Clear
13. No
14. See 13
15. Going home
16. Coming from work
17. See 15
18. Yes
19. Quit at 8:00 P. M.
20. Yes (A) In the morning
21. No
22. See 21
23. Irrelevant and immaterial
24. Irrelevant and immaterial
25. Myself

26. Myself
27. None
28. (A) Ford (B) 1930 (C) Two-door Sedan
29. Irrelevant and immaterial
30. Yes
31. Yes
32. Yes
33. No
34. No
35. No
36. Yes
37. Irrelevant and immaterial
38. Yes
39. Yes
40. No
41. Irrelevant and immaterial
42. 18 feet
43. Automobiles were parked at points near the highway
44. Wide shoulder on the left which was not paved. The width extended a great distance into the yard of a Drive-In Restaurant.
45. No
46. Irrelevant and immaterial
47. Irrelevant and immaterial
48. No
49. Yes
50. No
51. No
52. Yes
53. Irrelevant and immaterial
54. Irrelevant and immaterial
55. Irrelevant and immaterial
56. Irrelevant and immaterial
57. Irrelevant and immaterial
58. No
59. Irrelevant and immaterial
60. No

61. Yes
62. North
63. There were two or possibly more vehicles moving in the same direction that I was. (A) Immediately in front of me.
64. See 63
65. I don't know
66. No
67. Yes (A) The vehicle in front of me slowed down.
68. No; see 67.
69. See 67
70. No
71. No
72. Yes (A) I could not determine
73. Yes (A) South
74. 40, 50 feet or so
75. See 74
76. I don't know
77. I don't know
78. See 74
79. Straight toward me
80. I saw that the bus was going to hit me so I whipped to the left to avoid it.
81. I don't know (A) I don't know (B) See 80
82. My vehicle was never out from under my control
83. (A) 5 to 10 miles per hour
(B) 10 mph
(C) 20 to 25 mph
(D) 20 to 25 mph
(E) 20 to 25 mph
(F) 20 to 25 mph
84. (A) The bus was traveling between 50 and 60 mph. (B) 50 to 60 mph.
(C) 50 to 60 mph. (D) I don't know. (E) I don't know. (F) I don't know.
(G) I don't know.
85. Irrelevant and immaterial
86. No
87. No
88. No

89. Right front
90. Left front
91. I don't know exactly.
92. I don't know exactly.
93. About \$250
94. No
95. Yes
96. Mobile
97. Irrelevant and immaterial
98. Yes
99. See 98
100. Irrelevant and immaterial
101. Irrelevant and immaterial
102. Yes (A) I was in the City Hospital at Mobile for approximately 6 days after the accident, and I left the City Hospital in Mobile on or about July 3rd and entered the Mattie L. Rhodes Hospital at Bay Minette, Alabama, where I stayed until September 14, 1953.
103. I have been treated by a Dr. Earle of Mobile and Dr. G. B. Halliday of Bay Minette. The treatment as far as I know was of my hip and therapy for the injuries which I received. I was last attended about May 15, 1954.
104. Yes (A) My left leg was broken, my pelvis was fractured on the right side, and multiple cuts and bruises on the head and body and a minor brain concussion.
105. Yes, As stated in the previous answer my pelvis was broken on the right side and my left leg was broken.
106. Yes, I received cuts on my arms and on my legs and on the right knee and across the bridge of my nose and under the right eye. I don't know how many stitches were taken.
107. I received bruises all over my body, the largest one being on my hip. The latter was approximately for about two months after the accident on June 27.
108. Irrelevant and immaterial
109. Yes (A) I have been confined in the hospital or to my home since the automobile accident almost a year ago. (B) See A. (C) Irrelevant and immaterial
110. Yes (A) I have been unable to work since the accident as stated in a previous question. I have been confined to my bed and have been without work since June 27, 1953.

111. I have lost all wages and earnings since the time of the accident.
112. Loss of wages - \$2,340.00
Hospital Bills, Mattie L. Rhodes Hospital- \$1,019.00
Professional services Dr. - \$200.00
X-Rays - \$65
Loss of earnings through disability - \$30,000.00
Pain and suffering - \$15,000.00
113. I have not recovered from the injuries which I received in the accident.
114. Hip has not healed- I cannot walk without crutches
115. I sustained permanent injuries as a result of this accident. I understand that I will not have full use of my right leg nor be able to do any heavy manual labor for many years to come. The extent of such disability is undetermined at the present time.
116. Yes, I have scars from the result of those cuts which I listed in answer 106.
117. Irrelevant and immaterial
118. Irrelevant and immaterial
119. Irrelevant and immaterial
120. Yes
121. Yes

John Ed Stewart

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said State and County, personally appears John Edward Stewart, who being duly sworn by me doth depose and say that the answers herein made to the interrogatories are true and correct.

John Ed Stewart

Sworn to and subscribed before me this the 25th day of June, 1954.

James Owens Jr.
Notary Public, State at Large

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

NO. 2229.

JOHN EDWARD STEWART

Plaintiff

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, a
corporation

Defendant

ANSWERS TO INTERROGATORIES

FILED **FILED**

JUN 129 1954

ALICE J. DUCK, CLERK

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

JOHN EDWARD STEWART,

Plaintiff,

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, A
Corporation,

Defendants

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. 2229

MOTION TO REQUIRE PLAINTIFF TO ANSWER INTERROGATORIES

Come now the Defendants in the above styled cause, by their attorneys, and move this Honorable Court to attach the Plaintiff and cause him to answer fully in open Court the interrogatories heretofore propounded to him by the Defendants, or tax him with so much of the costs as may be just or render such other or different orders as the Defendants are entitled to in the premises and assign the following separate and several grounds in support thereof:

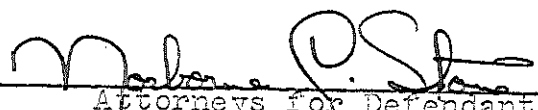
1. That the answers heretofore filed are not full.
2. That the answers heretofore filed are evasive.
3. For that the Plaintiff failed or refused to answer Interrogatories Numbered 23, 24, 29, 37, 41, 46, 47, 53, 54, 55, 56, 57, 59, 59a, 59b, 59c, 78, 85, 85a, 85b, 97, and 101.

Respectfully submitted,

LANCE, SIMPSON, ROBINSON & SOMERVILLE

-and-

CHASON & STONE

By: 
Attorneys for Defendants.

JOHN EDWARD STEWART,

Plaintiff,

vs.

WILLIAM McADOO COLE and COLONIAL
TRAILWAYS, A Corporation,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. 2229

MOTION TO REQUIRE PLAINTIFF TO

ANSWER INTERROGATORIES

FILED

AUG 10 1954

ALICE J. DUCK, Clerk
LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

LAW OFFICES OF

LANGE, SIMPSON, ROBINSON & SOMERVILLE

1023-38 FRANK NELSON BUILDING

BIRMINGHAM 3, ALABAMA

April 28, 1954

RAY L. LANGE
JAMES A. SIMPSON
MEMORY L. ROBINSON
ORMOND SOMERVILLE
REID B. BARNES
JAMES O. HALEY
WILLIAM L. CLARK
WILLIAM H. COLE
ROBERT M. SMITH
JACK B. PORTERFIELD, JR.

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

Re: Baldwin County, Alabama
Circuit Court Case No.
2229 - John Edward Stewart,
Plaintiff vs. William
McAdoo Cole and Colonial
Trailways, a Corporation

Dear Mrs. Duck:

We attach hereto appearances in the above styled cause, consisting of demurrer and interrogatories, which we request that you file on behalf of the defendants. We ask, also, that you execute the attached receipt and return to us in the enclosed stamped, self-addressed envelope for the completion of our records.

We will appreciate it if you will give us prompt notice of all settings of this case.

We assure you that your assistance in this matter will be greatly appreciated.

Very truly yours,

LANGE, SIMPSON, ROBINSON & SOMERVILLE


Memory L. Robinson

MLR:cl

Attachments

JOHN EDWARD STEWART,

Plaintiff

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, a
corporation,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. 2229

ANSWERS TO INTERROGATORIES

Now comes the plaintiff, John Edward Stewart, and files these further answers to the interrogatories filed heretofore by the defendant in this cause and says:

4. I have been known by no other name.
5. See 4
6. See 4
7. See 4
23. As stated previously, I was going home for the night and to eat supper.
24. No
29. I don't know exactly.
37. As stated before, my vehicle was not out of control.
41. The visibility was fair. As stated, the area was lighted by the lights on Jordon & Sons Grocery Company and Herron's Drive. In and from the cars that jammed and packed the area. I had slept the usual 8 hours the night before the accident.
46. The night before the accident.
47. None
53. No
54. Insulin
55. (a) Yes, as stated, I took and still take insulin. I take the insulin by way of hypodermic injection.
56. I had taken a normal dose of insulin the night before about 8:30 or 9:00 O'clock. That is the same time that I normally take my injection. I use the normal dosage of 35 units.
57. See 56
59. No
78. I don't exactly know. I saw the bus when it was about 50 or 60 feet from me. I was traveling about 5 m.p.h. when I first saw the bus. I have no exact idea of the distance my car traveled but it couldn't be more than a few feet.

85. As stated, I was not turning so I gave no signal of course.
97. I regained conscious several days later.
100. The City Hospital in Mobile.
101. I was unconscious but I presume I left the scene of the accident in an ambulance.
108. The same question asked and previously answered — see 101.
117. No
118. No
119. No

John Ed Stewart

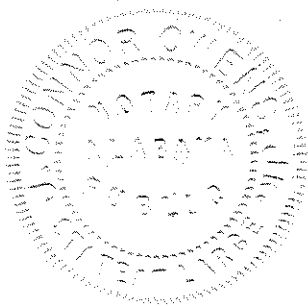
STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said State and County, personally appears John Edward Stewart, who being duly sworn by me doth depose and say that the answers herein made to the interrogatories are true and correct.

John Ed Stewart

Sworn to and subscribed before me this the 18 day of August, 1954.



J. Connor Owens, Jr.
NOTARY PUBLIC, STATE AT LARGE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. 2229

JOHN EDWARD STEWART,

Plaintiff

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, a
corporation,

Defendant

ANSWERS TO INTERROGATORIES

FILED

8120-54

Deise French
Clerk

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

JOHN EDWARD STEWART,

Plaintiff,

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, A
Corporation,

Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. 2229

Comes now the Defendant, William McAdoo Cole, and for answer to the Interrogatories propounded to him by the Plaintiff in the above styled cause on June 17, 1954, says as follows:

1. William McAdoo Cole.
2. Thirty-six.
3. Monroeville, Alabama.
4. Colonial Trailways.
5. Operator.
6. Approximately six years.

7. I was operating a 29 passenger Flexible bus on June 27, 1953, ^{at 8:25 P.M.} at a point approximately .2 of a mile North of the city limits of Bay Minette, Baldwin County, Alabama. I do not know the license plate number of the Public Service Commission Registration number on the bus that I was operating.

8. Colonial Trailways.
9. Approximately 1200 times.

William McAdoo Cole

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Norborne C. Stone, Jr., a Notary Public, in and for said County in said State, personally appeared William McAdoo Cole, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is William McAdoo Cole and his name is signed to the foregoing answers to the Interrogatories propounded to him by John Edward Stewart and that he has read said answers and that they are true and correct.

Dated this 2nd day of August, 1954.

William McAdoo Cole
William McAdoo Cole

Sworn to and subscribed before
me this 2nd day of August, 1954.

Madame C. Stewart
Notary Public, Baldwin County, Alabama.

2229

JOHN EDWARD STEWART,

Plaintiff,

vs.

WILLIAM McADOO COLE and COLONIAL
TRAILWAYS, A Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. 2229

ANSWERS TO INTERROGATORIES PRO-
POUNDED TO DEFENDANT, WILLIAM
McADOO COLE.

FILED
AUG 3 1954
ALICE J. BUCK, CLERK

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

JOHN EDWARD STEWART,

Plaintiff,

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, A
Corporation,

Defendants.

I

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I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

I AT LAW NO. 2229

I

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Come now the Defendants, by their attorneys, and for answer
to the Complaint as amended plead as follows:

1. Not guilty.

2. That at the time and place complained of in said
Complaint, and immediately prior thereto the Plaintiff, John Edward
Stewart, was himself guilty of contributory negligence which proximately
contributed to the injury complained of in that he so negligently
operated his motor vehicle on said U. S. Highway #31 so as to cause
or allow his said motor vehicle to run into, on or against the motor
vehicle operated by the Defendant, William McAdoo Cole, which said
negligence proximately contributed to the injuries and damages com-
plained of in the Complaint, hence the Plaintiff should not recover.

FILED

Aug 11, 1954

ALICE J. DUCK, Clerk

Respectfully submitted,

LANGE, SIMPSON, ROBINSON & SOMERVILLE

and

CHASON & STONE

By: Marion Stone
Attorneys for Defendants.

JOHN EDWARD STEWART,

Plaintiff,

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, A
Corporation,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2229

Come now the Defendants, by their attorneys, and for answer
to the Complaint as amended plead as follows:

1. Not guilty.

2. That at the time and place complained of in said

Complaint, and immediately prior thereto the Plaintiff, John Edward
Stewart, was himself guilty of contributory negligence which proximately
contributed to the injury complained of in that he so negligently
operated his motor vehicle on said U. S. Highway #31 so as to cause
or allow his said motor vehicle to run into, on or against the motor
vehicle operated by the Defendant, William McAdoo Cole, which said
negligence proximately contributed to the injuries and damages com-
plained of in the Complaint, hence the Plaintiff should not recover.

FILED

Aug 10, 1954

ALICE J. DUCK, Clerk

Respectfully submitted,

LANGE, SIMPSON, ROBINSON & SOMERVILLE

and

CHASON & STONE

By:

Malcolm Stone

Attorneys for Defendants.

JOHN EDWARD STEWART,

Plaintiff,

vs.

WILLIAM McADOO COLE and COLONIAL
TRAILWAYS, A Corporation,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 2229

PLEAS OF DEFENDANTS.

FILED

AUG 10 1954

ALICE J. DUCK, Clerk
LAW OFFICES

CHASON & STONE
BAY MINETTE, ALABAMA

JOHN EDWARD STEWART,

PLAINTIFF

VS.

WILLIAM McADOO COLE
and COLONIAL TRAILWAYS,
a Corporation,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

NO. 2 2 2 9

DEMURRER

Come the defendants in the above styled cause and demur to the complaint of the plaintiff and to each count thereof, separately and severally, and as grounds for said demurrer set down and assign the following:

1. Said complaint fails to state a cause of action.
2. The averments thereof are vague, indefinite and uncertain.
3. The averments thereof are mere conclusions of the pleader.
4. The averments thereof are conflicting and repugnant.
5. For that there is a misjoinder of parties defendant.
6. For that there is a misjoinder of causes of action.
7. For that more than one cause of action is improperly and unlawfully stated in one and the same count.
8. For that trespass and trespass on the case are improperly and unlawfully joined in one and the same count.
9. For that there is a misjoinder of causes of action in trespass and of action in case in one and the same count and that the averments of said count constitute a cause of action of trespass against the one defendant and action in case as against the other defendant.
10. For aught that appears, said defendants owed no duty to the plaintiff.
11. For that it does not sufficiently appear what duty, if any, was owed by said defendants to the plaintiff.
12. For aught that appears, said defendants have breached no duty which they owed to the plaintiff.
13. For that it does not sufficiently appear how or in what manner said defendants have breached any legal duty which they owed to the plaintiff on said occasion.
14. For aught that appears, said defendants were guilty of no negligence.

15. For that it does not sufficiently appear how or in what manner said defendants were guilty of negligence.

16. For that the quo modo of defendants' alleged negligence is set forth in said count and the facts therein averred are insufficient to constitute negligence, as a matter of law.

17. For that no causal connection appears between the defendants' alleged negligence and the injuries and damages complained of by the plaintiff.

18. For that it does not sufficiently appear that the plaintiff sustained the injuries and damages complained of as a proximate consequence of the breach of any legal duty owed by the defendants to the plaintiff.

19. For that it does not sufficiently appear that the defendants wantonly injured the plaintiff.

20. For that it does not sufficiently appear that the defendants wilfully injured the plaintiff.

21. For that it does not sufficiently appear whether the defendants wilfully or wantonly injured the plaintiff.

22. For that "wilfulness" and "wantonness" are not legal synonyms and it is insufficiently shown by the averments of said count whether the plaintiff seeks to recover for an injury wantonly inflicted or for an injury intentionally inflicted.

23. For that the specific averment of fact as set forth in said count is insufficient to constitute wantonness, as a matter of law.

24. For that the specific averment of fact as set forth in said count is insufficient to constitute wilfulness, as a matter of law.

25. For that the specific averment of fact as set forth in said count is insufficient to show a wanton injury inflicted upon the plaintiff.

26. For that the specific averment of fact as set forth in said count is insufficient to show a wilful injury inflicted upon the plaintiff.

27. For that said complaint is stated by way of alternative averments and the respective alternative averments thereof are conflicting and repugnant.

28. For that said complaint is stated by way of alternative averments and the respective alternative averments thereof are not sufficient each in itself to state a cause of action.

29. For that the averment that "the plaintiff was lawfully operating his motor vehicle on U. S. Highway 31" is naught but a conclusion of the pleader.

30. For that no causal connection is shown between the alleged wrongs and each of the respective defendants.

002 496

31. For that the averment "said injuries and damages to the plaintiff were the proximate consequence of the negligence of the defendant aforesaid" is insufficient to charge negligence against both defendants and is insufficient to establish proximate causation as against both defendants.

32. For that it does not sufficiently appear which of the defendants was guilty of the alleged breach of duty proximately producing injury upon the plaintiff.

FILED

April 29, 1954

ALICE Z. DUCK, Clerk

James Simpson Robinson Somerville
LANGE, SIMPSON, ROBINSON & SOMERVILLE
ATTORNEYS FOR DEFENDANTS

BOOK 003 PAGE 497

JOHN EDWARD STEWART,
PLAINTIFF

VS.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, a
Corporation,

DEFENDANTS

D E M U R R E R

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW

FILED

APR 29 1954

ALICE J. DUCK, Clerk

LAW OFFICES OF
LANGE, SIMPSON, ROBINSON & SOMERVILLE
1023-1038 FRANK NELSON BUILDING
BIRMINGHAM, ALA.

JOHN EDWARD STEWART

Plaintiff

vs.

WILLIAM McADCO COLE and
COLONIAL TRAILWAYS, a
corporation,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. 2229

Comes now the plaintiff in the above styled cause and amends
his complaint by striking count one, count three and count four.

FILED
July 19, 1954
ALICE I. DUCK, Clerk

James Owens Jr.
Attorney for the Plaintiff

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
No. 2229

JOHN EDWARD STEWART,
Plaintiff

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, a
corporation,

Defendant

AMENDMENT TO COMPLAINT

FILED

FILED
JUL 19 1954
ALICE A. RUCK, CLERK

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

JOHN EDWARD STEWART,

Plaintiff

vs.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, a
corporation,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

NO. _____

BOOK 002 PAGE 401

COUNT ONE:

Plaintiff claims of the defendant, William McAdoo Cole, the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) for that on heretofore, to-wit: the 27th day of June, 1953, the plaintiff was lawfully operating his motor vehicle on U. S. Highway 31, a public road in Baldwin County, Alabama, at a point two-tenths of a mile north of the limits of Bay Minette, Alabama, and at the same time and at the same place, the defendant so negligently operated a motor vehicle as to cause or allow the same to run into, upon or against the vehicle which the plaintiff was operating so that the plaintiff's left leg was broken, and his pelvis was fractured on the right side and he received multiple cuts and bruises on his head and body and a mild brain concussion, and also caused him to spend sums of money for hospital bills and doctor bills and loose nine months of work thereby suffering financial loss, and to suffer permanent disability, and impaired earning power and undergo great pain and suffering from his injuries, and the said injuries and damages to the plaintiff were the proximate consequence of the negligence of the defendant aforesaid, hence this suit.

COUNT TWO:

Plaintiff claims of the defendants, William McAdoo Cole and Colonial Trailways, a corporation, the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) for that on heretofore, to-wit: the 27th day of June, 1953, the plaintiff was lawfully operating his motor vehicle on U. S. Highway 31, a public road in Baldwin County, Alabama, at a point two-tenths of a mile north of the limits of Bay Minette, Alabama, and at the same time and at the same place, the defendant, William McAdoo Cole, who was then and there acting as an agent of the defendant, Colonial Trailways, a corporation, while acting within the line and scope of his agency, so negligently operated a motor vehicle so as to cause or allow the same to run into, upon or against the vehicle which the plaintiff

was operating so that the plaintiff's left leg was broken, and his pelvis was fractured on the right side, and he received multiple cuts and bruises on his head and body, and a mild brain concussion, and also caused him to spend sums of money for hospital bills and doctor bills and loose nine months of work, thereby suffering financial loss, and to suffer permanent disability and impaired earning power and undergo great pain and suffering from his injuries and the said injuries and damages to the plaintiff were the proximate consequence of the negligence of the defendant, William McAdoo Cole, who was then and there acting as an agent of the defendant, Colonial Trailways, a corporation, while acting within the line and scope of said agency, as aforesaid, hence this suit.

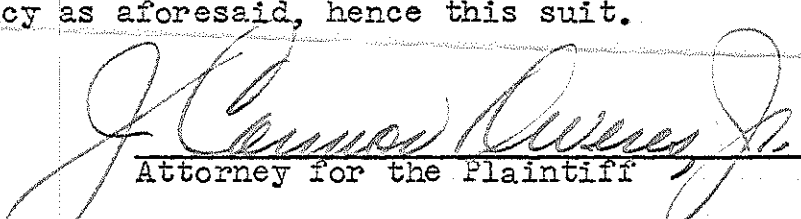
COUNT THREE:

Plaintiff claims of the defendant, William McAdoo Cole, the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) for that on heretofore, to-wit: the 27th day of June, 1953, the plaintiff was lawfully operating his motor vehicle on U. S. Highway 31, a public road in Baldwin County, Alabama, at a point two-tenths of a mile north of the limits of Bay Minette, Alabama, and at the same time and at the same place, the defendant so wilfully or wantonly operated a motor vehicle so as to cause or allow the same to run into, upon or against the vehicle which the plaintiff was operating so that the plaintiff's left leg was broken and his pelvis was fractured on the right side, and he received multiple cuts and bruises on his head and body, and a mild brain concussion, and also caused him to spend sums of money for hospital bills and doctor bills and loose nine months of work thereby suffering financial loss, and to suffer permanent disability and impaired earning power, and undergo great pain and suffering from his injuries, and the said injuries and damages to the plaintiff were the proximate consequence of the said wilful or wanton acts on the part of the defendant aforesaid, hence this suit.

COUNT FOUR:

Plaintiff claims of the defendants, William McAdoo Cole, and Colonial Trailways, a corporation, the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) for that on heretofore, to-wit: the 27th day of June, 1953, the plaintiff was lawfully operating his motor vehicle on U. S. Highway 31, a public road in Baldwin County, Alabama, at a point two-tenths of

a mile north of the limits of Bay Minette, Alabama, and at the same time and at the same place, the defendant, William McAdoo Cole, who was then and there acting as an agent of the defendant, Colonial Trailways, a corporation, while acting within the line and scope of his agency, so wilfully or wantonly operated a motor vehicle so as to cause or allow the same to run into, upon or against the vehicle which the plaintiff was operating so that the plaintiff's left leg was broken and his pelvis was fractured on the right side, and he received multiple cuts and bruises on his head and body and a mild brain concussion, and also caused him to spend sums of money for hospital bills and doctor bills and lose nine months of work thereby suffering financial loss and to suffer permanent disability and impaired earning power and undergo great pain and suffering from his injuries and the said injuries and damages to the plaintiff were the proximate consequence of the wilful and wanton acts on the part of the defendant, William McAdoo Cole, who was then and there acting as an agent of the defendant, Colonial Trailways, a corporation, while acting within the line and scope of his agency as aforesaid, hence this suit.

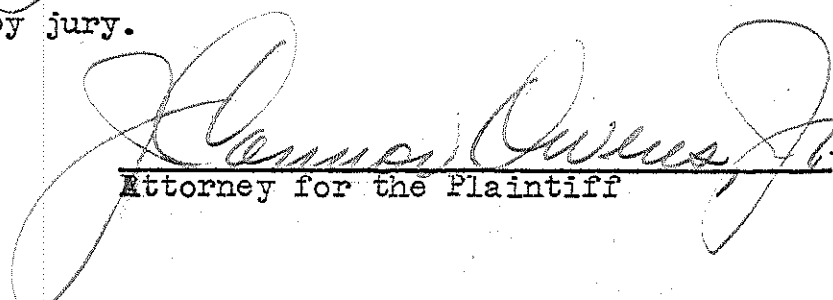

Attorney for the Plaintiff

Plaintiff demands a trial by jury.

FILED

4-13-54

ALICE J. DUCK, Clerk


Attorney for the Plaintiff

Entered By Serving a copy of the within
Summons and Complaint on William McAdoo Cole
this 15th day May 1954

E. E. Nicholas
Sheriff

By Sizemore & Kennedy & S.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN LAW NO. 2229

JOHN EDWARD STEWART,

Plaintiff

vs. 5-15-54

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, A
corporation,

Defendants

SUMMONS AND COMPLAINT

FILED 4-13-54

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

493
C. S. Blackledge

RECEIVED IN OFFICE

APR 14 1954

G. A. MOSLEY, Sheriff

EXECUTED BY SERVING A
COPY OF THE WITHIN

C. S. Blackledge
Agent of the
Colonial Trailways
A Corp.

4-14-54

G. A. Mosley
Sheriff Baldwin County

By Goodwyn
Deputy Sheriff

JOHN EDWARD STEWART,
PLAINTIFF

VS.

WILLIAM McADOO COLE
and COLONIAL TRAILWAYS,
a Corporation,

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN LAW

NO. 2 2 2 9

INTERROGATORIES TO PLAINTIFF

Come the defendants in the above styled cause and propound interrogatories to the plaintiff, as follows:

1. State your correct name.
2. State your correct age.
3. State your correct address.
4. State each and every name by which you have been known.
5. State when you were known by each such name.
6. State where you were employed when known by each such name.
7. State where you lived when known by each such name.
8. Where were you living on the 27th day of June, 1953?
9. Were you employed on the 27th day of June, 1953?
(a) If so, by whom were you employed? (b) In what capacity were you employed? (c) How long had you been so employed? (d) What amount of money did you earn from your employment? (e) Describe the nature of the duties which you rendered your employer.
(f) State the hours or periods of employment that were required of you according to your terms of employment.
10. State the exact date upon which you suffered the injuries complained of.
11. State the hour of the day or night that said accident occurred.
12. State the weather conditions on the occasion of the accident.
13. Did the accident occur during the hours of daylight?
14. Did the accident occur during the hours of darkness?
15. Where were you going on said occasion?
16. Where were you coming from on said occasion?

✓17. For what purpose were you making the journey during which the accident occurred?

18. Were you going to your residence?

19. When had you last worked prior to the accident?

✓20. Had you worked any on the 27th day of June, 1953?
(a) If so, when did you begin your work on the 27th day of June, 1953?

21. If you have stated herein that after visiting your residence or home, please state whether or not you intended to return to your place of employment on said date.

22. Did you depart from your place of employment for a temporary visit to your home?

23. Were you going home to have breakfast or eat a meal on said occasion?

24. Had you worked during the preceding night prior to the accident? (a) If so, what hours did you work during the night preceding the time of the accident?

✓25. Who owned the automobile in which you were riding on said occasion?

✓26. Who was driving the automobile in which you were riding on said occasion?

✓27. How many persons were riding in the automobile with you at the time of the accident?

✓28. Describe the vehicle in which you were riding on said occasion by stating: (a) the manufacturer's name of said vehicle; (b) the yearly model of said vehicle; (c) the body type of said vehicle.

✓29. Please state the number of miles or the approximate mileage that your said vehicle had been driven.

30. Was the vehicle in which you were riding in good repair prior to the collision?

✓31. Were the brakes upon your vehicle in good repair prior to the accident?

✓32. Was the steering wheel of your vehicle in good repair prior to the accident?

✓33. Did the brakes fail or give way prior to the accident? (a) If so, state the true facts as to what occurred.

✓34. Did the steering wheel fail to work properly prior to the accident? (a) If so, state the true facts in detail.

✓35. Was your vehicle out of control prior to the accident, either by way of failing to respond to the brakes or the steering wheel? (a) If so, state the true facts in detail.

✓36. Did you have control and did you exercise such control over your vehicle up until the moment of the collision?

37. If your vehicle was out of control while it moved any distance prior to the accident, please state the approximate distance in feet that your vehicle moved while out of control prior to the accident.

38. Did you intentionally and purposefully steer your vehicle to cause it to travel the path which it traversed while moving a distance of 200 feet leading up to the point of collision?

39. Was the road straight at and near the point of accident? (a) If so, for what distance was the road straight?

40. Was the road curving at and near the point of accident? (b) If so, describe the curve.

41. Describe the visibility that existed at and near the point of accident on said occasion.

42. State the approximate width of the paved portion of the highway at and near the point of accident.

43. Please state the condition and width of the shoulder on your righthand side of the paved portion of the highway.

44. Please state the condition and width of the shoulder on your lefthand side of the paved portion of the highway.

45. Please state whether or not you fell asleep prior to the accident.

46. State the time of day or night, as accurately as you can, when you had last been asleep prior to the time of the accident.

47. How many hours sleep had you had within a period of 12 hours next preceding the moment of the accident?

48. Did you observe any drowsiness or drowsy condition prior to the moment of the accident? (a) If so, where was your vehicle when you became drowsy?

49. Were you physically normal prior to the accident?

50. Did you lose consciousness prior to the accident?

51. Were you afflicted with any disease or abnormal physical condition which caused you to lapse into unconsciousness or into comas? (a) If so, from what condition did you suffer?

52. Did you suffer from diabetes prior to the accident?

53. Had you ever lost consciousness or fainted prior to the accident? (a) If so, on how many occasions had you lost consciousness or fainted prior to the accident? (b) State when you fainted or lost consciousness.

54. What medication did you use for your diabetic condition?

55. Did you use insulin? (a) If so, how did you take the insulin? (b) Did you take insulin by way of hypodermic injection?

56. When had you last taken a hypodermic injection of insulin? (a) What quantity of insulin did you take?

57. What was the normal dosage of insulin which you usually took?

58. Are you addicted to the use of alcoholic beverages?

59. Had you consumed any alcoholic beverage within a period of 24 hours next preceding the moment of the accident? (a) If so, what beverage did you consume? (b) Where were you when you consumed such portion of alcoholic beverage? (c) What quantity of alcoholic beverage did you consume?

60. Was there anything wrong with your vision or your sense of sight as you approached the point of accident?

61. Did the accident occur on U. S. Highway 31?

62. In which general direction were you traveling as you approached the point of accident?

63. Were there any vehicles moving in the same direction that you were moving on said occasion? (a) If so, locate and describe the position of each vehicle which you saw which was moving in the same direction which your vehicle was moving as you approached the point of collision?

64. How many vehicles were ahead of your vehicle, moving in the same direction which you were moving, prior to the accident?

65. How many vehicles were behind your motor vehicle moving in the same direction that you were moving prior to the accident?

66. Did any of the vehicles moving in the same direction that you were moving which were ahead of you make any change in their course of travel at or immediately prior to the time of the accident? (a) If so, identify such vehicle which made a change in its course of direction. (b) Describe the movement of such vehicle in detail.

67. Did any vehicle moving in the same direction in which you were moving, which was in a position ahead of your vehicle, stop or change its pace or speed? (a) If so, state the true facts in detail.

68. Did a vehicle ahead of your vehicle stop in the travel lane ahead of you at a point adjacent to a drive-in theatre?

69. Did you see the vehicle ahead of you stop?

70. Did the operator of the vehicle ahead of you give any signal of his intention to stop or to turn? (a) If so, what signal was given? (b) When was such signal given? (c) Where was your vehicle when the driver of the vehicle ahead of you gave such signal?

71. Did you attempt to pass around or drive to the left of any vehicle ahead of you on said occasion? (a) If so, describe the movement of your vehicle in detail while you were in the process of attempting to pass around or travel to the left of any forward vehicle ahead of you.

72. Did you see any vehicles approaching the point of accident traveling in the opposite direction from that which you were traveling? (a) If so, how many vehicles did you observe traveling in the opposite direction from you?

73. Did you see the defendant's bus on said occasion? (a) If so, in which direction was the defendant's bus traveling when you saw it?

74. State the approximate distance in feet that separated your vehicle and the defendant's bus when you first saw said bus.

75. State the approximate distance in feet that separated your vehicle and the point of collision when you first saw the defendant's bus.

76. State the approximate distance in feet that separated the bus and the point of collision when you first saw the bus.

77. State the approximate distance in feet that your vehicle traveled from the moment you first saw the bus until the moment of the collision.

78. State the approximate distance in feet that the bus traveled from the moment you first saw it until the collision occurred.

79. Describe the course or path traveled by the bus from the moment you first saw it until it reached the point of collision.

80. Describe accurately and in detail the course or path traveled by your vehicle from the moment you first saw the defendant's bus until your vehicle reached the point of collision.

81. Did your vehicle travel to your left of the center of the highway? (a) If so, to what extent did your vehicle travel on your left side of the center of the highway? (b) Why did you drive your vehicle on the left side of the highway?

82. Was your vehicle broken or out of order or out of control when you drove your vehicle to the left of the center of the paved portion of the highway?

83. State the speed of your vehicle in miles per hour as accurately as you can at the following points: (a) At the point of collision; (b) at a point 25 feet before reaching the point of accident; (c) at a point 50 feet before reaching the point of accident; (d) at a point 100 feet before reaching the point of accident; (e) at a point 150 feet before reaching the point of accident; (f) at a point 200 feet before reaching the point of accident; and (g) at a point 250 feet before reaching the point of accident.

84. State the speed of the defendant's vehicle, in miles per hour as accurately as you can, at the following points: (a) at the point of collision; (b) at a point 25 feet before reaching the point of accident; (c) at a point 50 feet before reaching the point of accident; (d) at a point 100 feet before reaching the point of accident; (e) at a point 150 feet before reaching the point of accident; (f) at a point 200 feet before reaching the point of accident; and (g) at a point 250 feet before reaching the point of accident.

85. Did you give any signal of any kind of your intention to turn or otherwise vary the movement of your vehicle? (a) If so, state each and every signal that you gave. (b) State where you were when you gave such signal.

86. Did you intend to enter the drive-in theatre?

87. Did you intend to depart from the paved portion of the road at and near the point of accident? (a) If so, for what purpose did you intend to depart from the paved portion of the road?

88. Did you intend to stop or park at or near the point of accident? (a) If so, for what purpose did you intend to stop or park at or near the point of collision?

89. State what part of your vehicle came in contact with the defendant's vehicle.

90. What part of the defendant's vehicle came in contact with your vehicle?

91. Where did your vehicle come to rest after the collision?

92. Where did the defendant's vehicle come to rest after the collision?

93. What was the reasonable market value of your vehicle prior to the collision?

94. Did you observe the highway and the area adjacent to the point of collision after the accident? (a) If so, describe each and every tire mark or other mark of violence which you observed at and near the point of accident.

95. Were you rendered unconscious by reason of the accident?

96. Where were you when you regained consciousness?

97. When did you regain consciousness?

98. Is your memory clear with reference to the events which preceded the accident?

99. Is your memory impaired with reference to the events which preceded the accident? (a) If so, for what period of time prior to the accident do you suffer from an impaired memory?

100. Where did you go after leaving the scene of the accident?

101. How did you leave the scene of the accident?

102. Were you admitted to a hospital or hospitals because of your injuries? (a) If so, state the name and address of each and every hospital to which you were admitted. (b) State specifically the dates that you were confined to each such hospital.

103. State the name and address of each physician who has examined or attended you by reason of injuries sustained on said occasion. (a) State the nature of the treatment received by you from each attending physician. (b) When were you last attended by a physician.

104. Did you sustain personal injury on the occasion of the accident? (a) If so, locate and describe each and every wound or injury that you sustained.

105. Did you sustain any broken bones? (a) If so, locate and describe each such fracture.

106. Did you sustain any cuts? (a) If so, locate and describe such cuts. (b) How many stitches, if any, were taken in the repair of such cuts?

107. Did you sustain any bruises? (a) If so, locate and describe such bruises. (b) For what period of time were such bruises apparent?

108. How did you leave the scene of the accident?

109. Were you confined to your bed on account of injuries which you sustained on said occasion? (a) If so, state at what address you were when you were confined to your bed. (b) State the dates on which you were continuously confined to your bed. (c) State the name and address of the person or persons who nursed you or waited upon you while you were confined to your bed.

110. Did you lose any time from your work on account of your injuries? (a) If so, state the dates that you lost from work. (b) State when you returned to work.

111. Did you lose any wages or earnings? (a) If so, state specifically what wages or earnings you lost.

112. Enumerate each and every item of monetary loss or expense for which you seek recovery in the suit at bar, giving the amount of each. If you do not know the exact amount of any item, give your best estimate and mark the same "estimate."

113. When did you recover from the injuries sustained on said occasion?

114. If you say that you have not recovered, enumerate in detail each and every wound or injury and each and every symptom of injury from which you still suffer.

115. Did you sustain permanent injury as a result of the accident described in your complaint? (a) If so, describe in detail the nature and extent of each and every injury which is permanent.

116. Do you have any scars or blemishes as a result of injuries sustained on said occasion? (a) If so, locate and describe in detail each and every such scar and blemish.

117. Have you been injured on any other occasion than that described in your complaint? (a) If so, state the nature and extent of each and every injury that you have sustained on each such other occasion. (b) State when you sustained each such injury. (c) State where you were when you sustained such injuries. (d) State in what manner such injuries were inflicted upon you.

118. Have you made claim or filed suit for the recovery of damages for personal injury on any other occasion? (a) If so, state the name and address of the person, firm or corporation against whom each such claim was made and each such suit was filed. (b) State the nature and extent of the injuries made the basis of each such claim and each such suit. (c) State when each such claim was made and each such suit was filed. (d) Identify the court in which each such suit was filed.

119. Have you ever been convicted of any criminal offense? (a) If so, identify each and every criminal offense of which you have been convicted. (b) State when you were convicted of each such criminal offense. (c) State where you were convicted of such criminal offense.

120. Have you been informed that your answers to these interrogatories are made under oath?

121. Have you been informed that your answers to these interrogatories may constitute a part of the testimony in your case?

Lange, Simpson, Robinson & Somerville
LANGE, SIMPSON, ROBINSON & SOMERVILLE
ATTORNEYS FOR DEFENDANTS

CHASON & STONE

STATE OF ALABAMA }
JEFFERSON COUNTY }

By: *Melburn P. Stone*

Before me, the undersigned authority in and for said county in said state, personally appeared Memory L. Robinson, who, being duly sworn, on oath says that he is of counsel for said defendant and has authority to make this affidavit; that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the defendants on the trial of this cause.

Memory L. Robinson

Sworn to and subscribed before
me this 28 day of April, 1954.

Rose Leah Fredelson
Notary Public

I served a copy of the within _____

on _____

By service on Conner J. Owen

TAYLOR WILKINS, Sheriff

By R. W. Siell D.S.

JOHN EDWARD STEWART,

PLAINTIFF

VS.

WILLIAM McADOO COLE and
COLONIAL TRAILWAYS, a
Corporation,

DEFENDANTS

INTERROGATORIES
TO PLAINTIFF

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN LAW

FILED

APR 29 1954

Alice J. Drex, Clerk

LAW OFFICES OF

LANGE, SIMPSON, ROBINSON & SOMERVILLE

1023-1038 FRANK NELSON BUILDING

BIRMINGHAM, ALA.

STATE OF ALABAMA

BALDWIN COUNTY

BOOK 002 PAGE 490

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon William McAdoo Cole and Colonial Trailways, a corporation, to appear and plead, answer or demur within thirty days of the service hereof, to the complaint filed in the Circuit Court of Baldwin County, Alabama, at Bay Minette, against William McAdoo Cole and Colonial Trailways, a corporation, defendants by John Edward Stewart, plaintiff.

Witness my hand this the 13th day of April, 1954.

Alice French
Clerk