

MARY JACKSON, a minor, by Mrs.  
H. S. Jackson, her mother and  
next friend,

Plaintiff,

vs.

LEE ROBINSON,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 989

Comes the Defendant and shows unto the Court that both  
Mary Jackson, a minor, and her mother, Mrs. H. S. Jackson,  
were at the time of the filing of this suit and have been at  
all times since, and are now, non residents of the State of  
Alabama, and residents of the State of Louisiana.

Wherefore, the Defendant moves the Court to require said  
parties to give security for costs.

*Hyphant & Chason*  
*Johnston, McCall & Johnston*  
Attorneys for Defendant

STATE OF ALABAMA  
COUNTY OF MOBILE

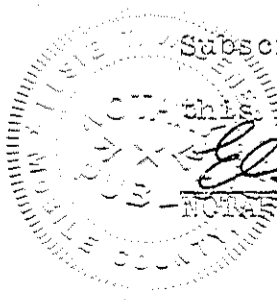
Before me, the undersigned authority in and for said state  
and county, personally appeared Sam M. Johnston, who, being by  
me duly sworn on oath deposes and says that he is one of the  
attorneys for the defendant in the above entitled cause, and  
that he is informed and believes, and upon such information and  
belief, states that the facts set out in the foregoing motion  
are true.

*Sam M. Johnston*

Subscribed and sworn to before me on

this 12th day of July, 1947.

*Elmer J. Widener*  
Notary Public, Mobile County, Alabama



IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW No. 989

MARY JACKSON, a minor,  
by Mrs. H. S. Jackson,  
her mother and next friend,

Plaintiff,

vs.

LEE ROBINSON,

Defendant.

-----  
Defendant's motion to re-  
quire plaintiff to give  
security for costs.

**FILED**

JUL 14 1947

AIGE J. DUCK, Clerk

JOHNSTON, MCCALL & JOHNSTON  
LAWYERS  
SUITE 804, FIRST NATIONAL BANK ANNEX  
MOBILE 4, ALABAMA

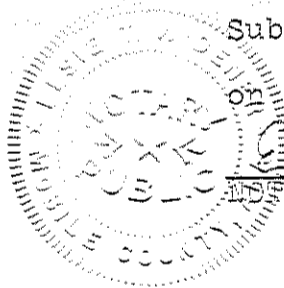
STATE OF ALABAMA  
COUNTY OF MOBILE

Before me, the undersigned authority in and for said State and County, personally appeared William E. Johnston, who, being by me first duly sworn on oath deposes and says that he is one of the attorneys for Lee Robinson, the defendant in the case entitled "Mary Jackson, a minor, by Mrs. H. S. Jackson, her mother and next friend, Plaintiff, vs. Lee Robinson, Defendant, No. 989" now pending in the Circuit Court of Baldwin County, Alabama, and that Mrs. Ruth Gilliam is a resident of Selma, Alabama, Dallas County, over three hundred (300) miles from the place of trial of said cause, and that personal attendance of the witness, Mrs. Ruth Gilliam, is necessary to a proper decision of the cause and that her deposition would be insufficient for that purpose.

William E. Johnston

Subscribed and sworn to before me  
on this 2nd day of July, 1947.

Clara J. Widener  
CLERK PUBLIC, MOBILE COUNTY, ALABAMA



IN THE CIRCUIT COURT **RECORDED**

BALDWIN COUNTY, ALABAMA

NO. 989

MARY JACKSON, a minor,  
by Mrs. H. S. Jackson,  
her mother and next friend

Plaintiff,

vs.

LEE ROBINSON,

Defendant.

-----  
Affidavit showing necessity of personal appearance of witness,  
Mrs. Ruth Gilliam

**FILED**

JUL 3 1947

ALICE J. DUCK, Clerk

JOHNSTON, MCCALL & JOHNSTON  
LAWYERS  
SUITE 804, FIRST NATIONAL BANK ANNEX  
MOBILE 4, ALABAMA

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

NO. 989

MARY JACKSON, a minor,  
by Mrs. H. S. Jackson,  
her mother and next friend

Plaintiff,

vs.

LEE ROBINSON,

Defendant.

Affidavit showing nece-  
ssity of personal ap-  
pearance of witness,  
Mrs. Ruth Gilliam

FILED

JUL 3 1947

ALICE I. DUCK, Clerk

JOHNSTON, MCCALL & JOHNSTON  
LAWYERS  
SUITE 804, FIRST NATIONAL BANK ANNEX  
MOBILE 4, ALABAMA

MARY JACKSON, a minor, by  
Mrs. H. S. Jackson, her mother  
and next friend,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

\*  
| IN THE CIRCUIT COURT OF  
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\* BALDWIN COUNTY, ALABAMA  
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\* AT LAW No. 989

DEMURRER TO COUNT 4 OF THE AMENDED COMPLAINT

Comes the Defendant in the above entitled cause and demurs to Count 4 of the Amended Complaint, on the following separate and several grounds:

1. Because said Count does not aver that the Plaintiff suffered as a proximate result of a wanton, wilful or intentional injury.

2. Because said Count fails to aver that the Plaintiff was injured as a proximate result of the Defendant's wilfulness, wantonness, or intention.

3. Because said Count does not show that Plaintiff's alleged injury was the proximate result of the Defendant's wantonness, wilfulness or intention.

4. Because said Count does not allege that Plaintiff was injured as a proximate result of Defendant's wantonness, wilfulness or intention.

5. Because said Count fails to charge the Defendant with negligence, either generally or specially.

6. Because said Count fails to charge the Defendant with either simple negligence or wilful, wanton or intentional injury.

*Johnston McRae & Johnston*  
Attorneys for Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

RECORDED

AT LAW

No. 989

MARY JACKSON, a minor, by  
Mrs. H. S. Jackson, her  
mother and next friend,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

DEMURRER

TO COUNT 4 OF THE

AMENDED COMPLAINT

*Filed*  
*2-27-47*  
*Alice J. Cook*  
*clerk*

JOHNSTON, MCCALL & JOHNSTON  
LAWYERS  
SUITE 804, FIRST NATIONAL BANK ANNEX  
MOBILE 4, ALABAMA

MARY JACKSON, a minor, by  
Mrs. H. S. Jackson, her mother  
and next friend,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 989

Comes the Defendant, LEE ROBINSON, and moves the Court  
to appoint a guardian ad litem to represent the Plaintiff  
in the cross action filed by the Defendant herein.

*John M. Call, Jr.*  
*Hyatt & Chason*  
Attorneys for Defendant



RECORDED  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

No. 989

MARY JACKSON, a minor,  
by Mrs. H. S. Jackson,  
her mother and next  
friend,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

Filed  
9-30-46  
R.S. Luck  
Luck

JOHNSTON, MCCALL & JOHNSTON  
LAWYERS  
SUITE 804, FIRST NATIONAL BANK ANNEX  
MOBILE 4, ALABAMA

MARY JACKSON, a minor, by  
Mrs. H. S. Jackson, her mother  
and next friend,

Plaintiff,

VS.

LEE ROBINSON

Defendant.

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\* IN THE CIRCUIT COURT OF  
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| BALDWIN COUNTY, ALABAMA  
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\* AT LAW No. 989

1. Comes the Defendant and for answer to Counts 1 and 2 of the Complaint says he is not guilty.

2. And for further plea in his behalf to Counts 1 and 2 of Complaint, Defendant says that at the time and place complained of in the Complaint, the Plaintiff, herself, was guilty of negligence which proximately contributed to her alleged injuries.

Counter Claim  
COUNT ONE

The Defendant claims of the Plaintiff the sum of TWENTY-FIVE THOUSAND and no/100 (\$25,000.00) DOLLARS, as damages, for that at the time and place complained of in the Complaint, Plaintiff so negligently operated an automobile as to cause or allow the said automobile to collide with the Defendant's automobile, as a proximate result of which negligence, the Defendant was permanently and seriously injured as follows: his right leg was fractured and broken; he suffered fractures of his ribs; his chest was crushed, bruised and injured; he was cut, bruised and injured in and about his body and limbs; he suffered cuts, bruises and lacerations of the face and head; he suffered severe nervous shock, great physical pain and mental anguish, and continues to do so; he has been put to great medical and hospital expenses; he has lost a large amount of time from his work; and his automobile was broken, injured and damaged as follows: the body, frame, chassis, fenders, lights, radiator, machinery, steering wheel, tires, tubes and other parts of said body were broken, injured and damaged; wherefore he brings this counter action against the Plaintiff and asks judgment for the above amount.

COUNT TWO

The Defendant claims of the Plaintiff the sum of TWENTY-FIVE THOUSAND and no/100 (\$25,000.00) DOLLARS, as damages, for that at the time and place complained of in the Complaint, the Plaintiff wantonly injured the Defendant and the Defendant's automobile by then and there wantonly colliding an automobile which she was then and there driving with an automobile which the Defendant was then and there driving, as a proximate result of which wantonness, the Defendant was seriously and permanently injured as follows: his right leg was fractured and broken; he suffered fractures of his ribs; his chest was crushed, bruised and injured; he was cut, bruised and injured in and about his body and limbs; he suffered cuts, bruises and lacerations of the face and head; he suffered severe nervous shock, great physical pain and mental anguish and continues to do so; he has been put to great medical and hospital expenses; he has lost a large amount of time from his work; and his automobile was broken, injured and damaged as follows; the body, frame, chassis, fenders, lights radiator, machinery, steering wheel, tires, tubes and other parts of said body were broken, injured and damaged; wherefore he brings this counter action against the Plaintiff and asks judgment for the above amount.

Jehinton, Melillo & Joubert  
Hyport & Choron  
Attorneys for Defendant

is 9-14-46 by  
copy the within  
all attorney of  
the plaintiff  
B. Garrett  
Shuff

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

RECORDED

AT LAW No. 989

MARY JACKSON, a minor, by  
Mrs. H. S. Jackson, her  
mother and next friend,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

PLEAS

and

COUNTER CLAIM

*Filed Sept 12-1946*  
*[Signature]*

JOHNSTON, MCCALL & JOHNSTON  
LAWYERS

SUITE 804, FIRST NATIONAL BANK ANNEX  
MOBILE 4, ALABAMA

MARY JACKSON, a minor, by  
Mrs. H. S. Jackson, her mother  
and next friend,  
  
Plaintiff,  
  
VS.  
  
LEE ROBINSON,  
  
Defendant.

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IN THE CIRCUIT COURT OF  
  
BALDWIN COUNTY, ALABAMA  
  
AT LAW                      No. 989

Comes the Defendant and demurs to Count 3 of the Complaint  
on the following separate and several grounds:

1. It does not appear from the Complaint that the Defendant  
willfully or wantonly injured the Plaintiff.
  
2. No facts are alleged from which the Court could infer  
a willfull or wanton injury to the Plaintiff.

*J. Hunter, McCall & J. Hunter*  
*H. Hunter & C. Hunter*  
Attorneys for Defendant

RECORDED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW                      No. 989

MARY JACKSON, a minor by  
Mrs. H. S. Jackson, her  
mother and next friend,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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DEMURRERS

*Filed Sept 19, 1946*  
*Johnston*

JOHNSTON, MCCALL & JOHNSTON  
LAWYERS  
SUITE 804, FIRST NATIONAL BANK ANNEX  
MOBILE 4, ALABAMA

MARY JACKSON, a minor, by  
Mrs. H. S. Jackson, her mother  
and next friend,

PLAINTIFF

VS

LEE ROBINSON

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW.

NO. 989

Now comes the Plaintiff and amends her Complaint heretofore filed in  
this cause by adding Count 4, as follows:

4.

The Plaintiff claims of the Defendant TWENTY FIVE HUNDRED (\$2500.00)  
DOLLARS, as damages, for that on to-wit: June 25, 1946, the Plaintiff was  
riding in an automobile, along Highway # 90, and at the intersection of  
Highway # 90 and Highway # 31, at or near Spanish Fort in Baldwin County,  
Alabama, the Defendant wantonly, willfully or intentionally injured the  
Plaintiff by causing an automobile, which he was then and there driving to  
run into, upon, or against the automobile in which the Plaintiff was riding  
and as a proximate result of said negligence the Plaintiff was injured as  
follows: her nose was bruised and injured; she was bruised and injured about  
the body; her hips were bruised and made sore; she was made sore; she was  
made sick, sore and lame; she was injured internally; she was permanently  
injured; she suffered and continues to suffer great physical pain and mental  
anguish; she was caused to lose time from her work; she was caused to incur  
doctor bills; she was caused to incur drug bills; she was caused to incur  
hospital bills, for all of which she claims damages as aforesaid.

Arthur J. Kearley  
W. L. Lee  
Attorneys for the Plaintiff

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*Filed*  
*A 30-4A*  
*R.S. Welch*  
*clerk*

**RECORDED**

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STATE OF ALABAMA)  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE COMMANDED to summons LEE ROBINSON, to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of MARY JACKSON, a minor, by Mrs. H. S. Jackson, her mother and next friend.

WITNESS my hand, this the 22 day of August, 1946.

  
Clerk

MARY JACKSON, a minor, by  
Mrs. H. S. Jackson, her mother  
and next friend,

PLAINTIFF

VS

LEE ROBINSON

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW.

1.

The plaintiff claims of the defendant TWENTY-FIVE HUNDRED (\$2500.00) DOLLARS as damages for that on, to-wit, June 25, 1946, the plaintiff was riding in an automobile along highway #90, a public highway in Baldwin County, Alabama, at the intersections of Highways #90 and #31 at Spanish Fort in Baldwin County, Alabama, and then and there the defendant negligently drove an automobile into, over or against, the automobile in which the plaintiff was riding and by reason thereof and as a proximate result and consequence thereof, the plaintiff suffered injuries and damages as follows: her nose was bruised and injured; she was bruised and injured about the body; her hips ~~was~~ bruised and made sore; she was made sick, sore and lame; she was injured internally; she was permanently injured; she suffered and continues to suffer great physical pain and mental anguish; she was caused to lose time from her work; she was caused to incur doctor bills; she was caused to incur drug bills; she was caused to incur hospital bills, for all of which she claims damages as aforesaid.

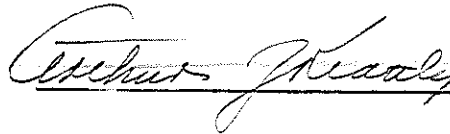
2.

The plaintiff claims of the defendant TWENTY -FIVE HUNDRED (\$2500.00) DOLLARS as damages for that on, to-wit, the 25 day of June, 1946, the plaintiff was riding in an automobile, along the highway leading from Fairhope to Mobile, a public highway, in Baldwin County, Alabama, and on said date at a point where


said highway intersects with Highway #31, at or near Spanish Fort in Baldwin County, Alabama, the defendant negligently drove an automobile into, over or against the automobile in which the plaintiff was riding and by reason thereof and as a proximate result and consequence thereof, the plaintiff suffered injuries and damages as follows: her nose was bruised and injured; she was bruised and injured about the body; her hips were bruised and made sore; she was made sick, sore and lame; she was injured internally; she was permanently injured; she suffered and continues to suffer great physical pain and mental anguish; she was caused to lose time from her work; she was caused to incur doctor bills; she was caused to incur drug bills; she was caused to incur hospital bills, all of which she claims damages as aforesaid.

3.


The plaintiff claims of the defendant TWENTY-FIVE HUNDRED (\$2500.00) DOLLARS as damages for that on, to-wit, June 25, 1946, the plaintiff was riding in an automobile, along Highway #90 and that at the interesection of Highway #90 and Highway #31 at or near Spanish Fort in Baldwin County, Alabama, the defendant willfully or wantonly drove an automobile unto, upon, over or against the automobile in which the plaintiff was riding, and by reason thereof and as a proximate result and consequence thereof the plaintiff was injured as follows: her nose was bruised and injured; she was bruised and injured about the body; her hips were bruised and made sore; she was made sore; she was made sick, sore and lame; she was injured internally; she was permanently injured; she suffered and continues to suffer great physical pain and mental anguish; she was caused to lose time from her work; she was caused to incur doctor bills; she was caused to incur drug bills; she was caused to incur hospital bills, for all of which she claims damages as aforesaid.



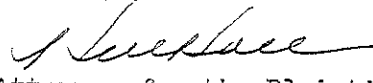
BEEBE & HALL

BY:   
Attorney for the Plaintiff

The defendant demands a trial by jury.



BEEBE & HALL

BY:   
Attorney for the Plaintiff

989

RECORDED

Mary Jackson, a minor

Plaintiff

vs

Lee Robinson

Defendant

Summons and Complaint

Aug 27 1946  
Serving copy of writ Summons and  
Complaint on

Lee Robinson

C. E. Garrett Sheriff

W. F. Hall Deputy Sheriff

Filed Aug 23-1946  
R. B. [unclear]  
[unclear]

BEEBE & HALL  
LAWYERS  
BAY MINETTE, ALABAMA

MARY JACKSON, a minor, by  
Mrs. H. S. Jackson, her mother  
and next friend,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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↓ IN THE CIRCUIT COURT OF  
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\* BALDWIN COUNTY, ALABAMA  
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\* AT LAW No. 989

INTERROGATORIES PROPOUNDED TO THE PLAINTIFF BY THE DEFENDANT:

1. Please state your age and your residential address. (a) Are you a resident of Louisiana? (b) If so, state your address and how long you have lived there. (c) If you answer that you are not a resident of Louisiana, state if you ever lived there and for what period of time and when you moved from there.

2. Were you the driver of the automobile which collided with an automobile driven by the Defendant on June 25, 1946 at the intersection of Highways 90 and 31 at Spanish Fort in Baldwin County, Alabama? (a) If you answer that you were, please state when you first saw the Defendant's automobile, how far were you from said automobile when you first saw it, and what precautions, if any, you took to avoid collision with said automobile. (b) Please state in detail how said collision occurred. (c) Have you done this? (d) What time of day did said collision occur? (e) How fast was the car you were driving moving at the time of the collision? (f) How fast was it moving a distance of fifty (50) yards from the point of collision? (g) How fast was it moving a distance of (150) one hundred fifty yards from the point of collision? (h) From what point were you coming at the time of the collision? (i) What was your destination when the collision occurred? (j) Who was in the automobile with you at the time of the collision? (k) Who was riding on the front seat of said automobile at the time of the collision? (l) Who was riding on the rear seat of said automobile at the time of the collision?

3. Had you ever driven an automobile before the date of the collision? (a) How long had you been driving? (b) How long had you been driving the said automobile which was involved in the collision? (c) Who owned said automobile? (d) From whom was it purchased?

(e) When was it purchased? (f) What make of automobile was it? (g) What year model was it and what was the body type? (h) What did said automobile cost?

4. You claim you were injured in said collision. What injuries did you sustain? (a) Who was your physician? (b) Were you laid up in bed? (c) If so, for what period of time? (d) Were you confined in a hospital? (e) If so, for what period of time? (f) How many times were you treated by a physician? (g) How many times were you visited by a physician? (h) What expenses were you put to on account of your injuries? (i) Were you employed at the time? (j) If so, by whom and what were your wages? (k) How many days time did you lose from your work?

Johnston, McCulloch, Johnston  
Hyatt & Choate  
Attorneys for Defendant.

STATE OF ALABAMA \*  
↓  
COUNTY OF MOBILE \*

Before me, Elsie M. Tetley, a Notary Public in and for said State and County, personally appeared Sam M. Johnston, who, upon being first duly sworn on oath, deposes and says that he is one of the attorneys for the Defendant in the above entitled cause and that answer to the above and foregoing interrogatories, if well and truly made, will be material evidence for the Defendant in the trial of this cause.

Sam M. Johnston

Subscribed and sworn to before me  
on this 18th day of September, 1946.

Elsie M. Tetley  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

arriving at ...  
on H. M. Hall attorney of  
received from the plaintiff

H. M. Hall  
Sheriff

1946

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW NO. 989

MARY JACKSON, a minor by  
Mrs. H. S. Jackson, her  
mother and next friend,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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INTERROGATORIES PROPOUNDED  
TO THE PLAINTIFF BY THE  
DEFENDANT

Filed 19-1946  
*[Signature]*  
Clerk

JOHNSTON, MCCALL & JOHNSTON  
LAWYERS  
SUITE 804, FIRST NATIONAL BANK ANNEX  
MOBILE 4, ALABAMA