

MARY E. WATSON

Plaintiff

-vs-

GEORGE SULLIVAN SANKS

Defendant

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA.

) AT LAW.

5392

BILL OF COMPLAINT

Count One:

Plaintiff claims of the Defendant the sum of TEN THOUSAND (\$10,000.00) DOLLARS, as damages for that, on to-wit: The 12th day of December, 1961, that at or about 5:15 P. M. at the intersection of U. S. Highway 31 and Baldwin County Road No. 61, in Baldwin County, Alabama, the Defendant so negligently operated a motor vehicle as to cause or allow it to collide with the motor vehicle in which the Plaintiff was riding and as approximate result of the negligence of such Defendant the Plaintiff was injured in that she suffered a severe laceration of the face and head, that all of her front teeth were knocked out, that she was required to have numerous stitches taken in the lacerations of her cuts, and she suffered multiple contusions and abrasions, that she was caused to expend great sums of money in and about the treatment of her injuries, that she was caused to spend a great length of time in the hospital, that she was made otherwise sick, lame and sore, and that she was permanently injured, all as a result of the negligence of such Defendant; all to the damage of the Plaintiff in the above mentioned sum, hence this suit.


Attorney for Plaintiff

Plaintiff demands a trial by Jury.


Attorney for Plaintiff

Defendant maybe served at:

Rt. 2, Bay Minette, Ala.



SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. _____

TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon GEORGE SULLIVAN SANKS

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 _____
GEORGE SULLIVAN SANKS, Defendant.

by MARY E. WATSON

Plaintiff

Witness my hand this 4 day of Dec 19 62

Glenn J. Smith, Clerk

No. 5392

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY**CIRCUIT COURT**MARY E. WATSON

vs.

Plaintiffs

GEORGE SULLIVAN SANKS

Defendants

SUMMONS and COMPLAINT

Filed

FILED

, 19

DEC 4 1962

, Clerk

ALICE L. DICK, CLERK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Rt. 2, Bay Minette, Ala.

RECEIVED IN OFFICE

12/4, 1962

, Sheriff

I have executed this summons

this

Dec - 8, 1962

by leaving a copy with

George Sullivan SanksSheriff claims 20 miles atTen Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins Sheriff
D. C. Talbot Deputy Sheriff10 miles north of B.M.

MARY E. WATSON)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA
-VS-)	AT LAW:
GEORGE SULLIVAN SANKS)	No: 5392
Defendant)	
)	

Comes the Plaintiff in the above styled cause and for Answer to the interrogatories failed by the Defendant heretofore answers as follows:

1. State your name?

A. Mary E. Watson.

2. Where do you live?

A. Rt. 4, Box 56, Atmore, Alabama.

3. Are you the Plaintiff in this cause, No. 5392?

A. Yes.

4. Give the location on the highway of Route 4, Box 56, Atmore, Alabama, where your house is located and identify the highway?

A. On Trout Street, between Swift Street and Sowell Avenue in Atmore, Alabama.

5. At the time of the accident alleged in your complaint where were you going?

A. To see Dr. Abell in Mobile, Alabama.

6. State the name of the owner of the vehicle in which you were riding.

A. Theodore Watson.

7. State the name of the driver of the vehicle in which you were riding.

A. Jerry Williams

8. Are you related to the driver of the vehicle?

A. Yes, he is my brother.

9. How long had you known the driver of the vehicle?

A. Lifetime.

10. Give the present address of the driver of the vehicle.

A. Rt. 4, Box 56, Atmore, Alabama.

11. Were you employed at the time of the accident?

A. No.

12. If you were employed, state where you were employed and how long you had worked there.

A. Was not working.

13. If the driver is not the owner of the vehicle, state whether you asked the driver to operate the car for you or the driver invited you to go with him.

A. Driver was asked to drive me to Mobile, Alabama by my husband.

14. Did you give the driver of the vehicle involved in this accident any instructions whatever?

A. No.

(a) If so, state what instructions you gave the driver?

A. None.

X Mary E. Watson
Mary E. Watson

STATE OF ALABAMA

COUNTY OF Etowah

Personally appeared before me, the undersigned authority Mary E. Watson, and who being by me first duly and legally sworn doth depose and say as follows:

My name is Mary E. Watson, I am the Plaintiff in the above styled cause, and the answers that I have given on the within interrogatories are true and correct.

X Mary E. Watson
Mary E. Watson

Sworn to and subscribed before

me on this the 19 day of

Jan., 1963.

John R. Hise
Notary Public

Notary Public for the State of Alabama at Large
My Commission Expires Feb. 6, 1965

FILED

JAN 22-63

ALICE J. DUCK, CLERK
REGISTER

MARY E. WATSON	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
GEORGE SULLIVAN SANKS	X	AT LAW NO. 5392
Defendant	X	

Comes the defendant, George Sullivan Sanks, and for answer to the complaint filed in said cause shows unto this Honorable Court as follows:

-1-

As to the allegations of said complaint, he pleads not guilty.

-2-

Comes defendant, George Sullivan Sanks, and says that the said Mary E. Watson, plaintiff in said cause ought not to recover in this case for that on the occasion complained of, Jerry Joseph Williams, the agent, servant or employee of said plaintiff was himself guilty of negligence proximately contributing to the injuries of said plaintiff and damages, in this, that the said Jerry Joseph Williams, agent, servant or employee of said plaintiff was operating the said automobile in which said plaintiff was riding on U. S. Highway numbered 31 and negligently drove his said automobile across the center line of U. S. Highway numbered 31 toward the left side of said highway so that the said automobile driven by the agent, servant or employee of the said plaintiff collided with the automobile operated by the defendant while the said defendant's automobile was on the right side of the said center line, where said defendant had a legal right to be; totally wrecking the automobile operated by the said defendant. Said negligence of the agent, servant or employee of the said plaintiff proximately contributed to the said plaintiff's injuries and damages. Hence, the said plaintiff ought not to recover in this suit.

-3-

Comes defendant, George Sullivan Sanks and says that at the time this action was commenced, the plaintiff was indebted to him in the sum of \$1,000.00 for that on to-wit, December 12, 1961, at or about 5:15 P.M. at the intersection of U. S. Highway numbered 31 and Baldwin County road No. 61 in Baldwin County, Alabama, one, Jerry Joseph Williams, the agent, servant or employee of said plaintiff, while operating an automobile negligently ran said automobile across the center line of said U. S. Highway

numbered 31, and into, upon or against the automobile, property of said defendant, George Sullivan Sanks and thereby as the proximate result and consequence thereof the said defendant's automobile was broken, damages, rendered less valuable, to the defendant's damage as assessed, which defendant hereby offers to set off against the demand of the plaintiff and he claims for the excess.

-4-

Comes the defendant, George Sullivan Sanks, and claims of the plaintiff, Mary E. Watson, by way of recoupment, the sum of \$1,000.00 damages for that heretofore on to-wit, December 12, 1961, at the intersection of U. S. Highway, a public highway, numbered 31 and Baldwin County road No. 61, in Baldwin County, Alabama, at about 5:15 P.M. and the place referred to in plaintiff's complaint, one, Jerry Joseph Williams, the agent, servant or employee of the said plaintiff negligently drove an automobile across the center line of said highway into, upon or against the automobile of the said defendant, George Sullivan Sanks, and as a proximate result and consequence of said negligence, said automobile was damaged as follows, to-wit, being a total loss.

THOMPSON & WHITE

BY:


Attorneys for defendant

FILED

FEB 12-63

ALICE J. DUCK, CLERK
REGISTER

MARY E. WATSON

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALDWIN COUNTY, ALABAMA

GEORGE SULLIVAN SANKS

X

AT LAW

NO. 5392

Defendant

X

Comes the defendant in the above styled cause and propounds the following interrogatories to the plaintiff, Mary E. Watson:

1. State your name.
2. Where do you live?
3. Are you the plaintiff in this cause, No. 5392?
4. Give the location on the highway of Route 4, Box 56, Atmore, Alabama, where your house is located and identify the highway.
5. At the time of the accident alleged in your complaint where were you going?
6. State the name of the owner of the vehicle in which you were riding.
7. State the name of the driver of the vehicle in which you were riding.
8. Are you related to the driver of the vehicle?
9. How long had you known the driver of the vehicle?
10. Give the present address of the driver of the vehicle.
11. Were you employed at the time of the accident?
12. If you were employed, state where you were employed and how long you had worked there.
13. If the driver is not the owner of the vehicle, state whether you asked the driver to operate the car for you or the driver invited you to go with him.
14. Did you give the driver of the vehicle involved in this accident any instructions whatever?
 - a. If so, state what instructions you gave the driver.

THOMPSON & WHITE

BY:

[Signature]
Attorneys for defendant

FILED

DEC 20

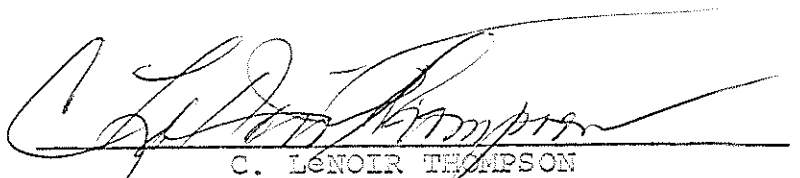
**Alice I. Duck, CLERK
REGISTER**

STATE OF ALABAMA

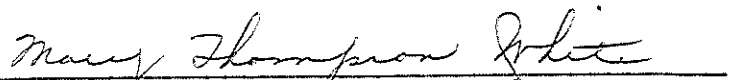
BALDWIN COUNTY

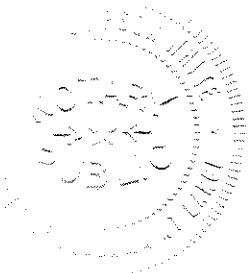
Before me, the undersigned, Notary Public in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the attorneys of record for the defendant in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the plaintiff to the foregoing interrogatories will, if truthfully made, be material evidence for the defendant on the trial of said cause.


C. LENOIR THOMPSON

Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 20th day of December, 1962.


Notary Public State at Large



MARY E. WATSON

Plaintiff

-VS-

GEORGE SULLIVAN SANKS

Defendent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

5392

Comes now the defendent in the above entiled cause, and demurs to the plaintiff's complaint, and to each count thereof, and as grounds for said demurrer sets down and assigns the following, separately and severally:

1. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.
2. Said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff.
3. For aught that appears from said count, the accident did not occur on a public street.
4. For aught that appears from said count, the plaintiff was not at a place where she had a legal right to be at the time and place complained of.
5. For aught that appears from said count, the injuries and damages suffered by the plaintiff were not the proximate result of any act or failure to act on the part of the defendant.
6. For that said count fails to allege any casual connection between the alleged negligence of this defendant and the alleged damages of the plaintiff.

THOMPSON AND WHITE

FILED

DEC 20 1937

ALICE L. BARKER, CLERK

C. L. Thompson
Attorneys for the Defendant

11. Were you employed at the time of the accident?

A. No.

12. If you were employed, state where you were employed and how long you had worked there ?

A. N/A

13. If the driver is not the owner of the vehicle, state whether you asked the driver to operate the car for you or the driver invited you to go with him.

A. Did not.

14. Did you give the driver of the vehicle involved in this accident any instructions whatever?

A. No.

(a) If so, state what instructions you gave the driver?

A. None.

X Barbara Williams
Barbara Williams

STATE OF ALABAMA

COUNTY OF Etowah

Personally appeared before me, the undersigned authority Barbara Williams, and who being by me first duly and legally sworn doth depose and say as follows:

My name is Barbara Williams, I am the Plaintiff in the above styled cause, and the answers that I have given on the within interrogatories are true and correct.

X Barbara Williams
Barbara Williams

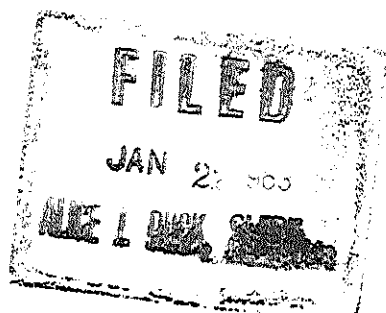
Sworn to and subscribed before

me on this the 18 day of Jan,

1963.

Chas. R. Lee
Notary Public

Notary Public for the State of Alabama at Large
My Commission Expires Feb. 6, 1965



T
O

Mrs. Alice J. Duck
Clerk of Circuit Court
P. O. Box 239
Bay Minette, Alabama

F
R
O
M

JOHN V. DUCK
Attorney at Law
FAIRHOPE, ALABAMA

SUBJECT:

DATE:

Message - Reply

FOLD A

THIS IS NCR (NO CARBON REQUIRED) PAPER.

JUST TYPE (OR WRITE) ON ORIGINAL. YOUR IMPRESSION
WILL AUTOMATICALLY APPEAR ON COPIES BENEATH.

Form #7 - New England Business Service, Inc., Townsend, Mass.

Dear Mrs. Alice :

Enclosed you will find Bill of Complaint in Watson -vs-
Sanks and Williams -vs- SANKS.

M
E
S
S
A
G
E

SIGNED:

J. V. Duck By O. S.

DATE OF REPLY:

REPLY TO:

R
E
P
L
Y

SIGNED:

SENDER: MAIL RECIPIENT WHITE AND PINK SHEETS