

1589

ANNIE M. BLACKMON,
Plaintiff,

vs.

WILLIE MALLOY and R. M.
RABON,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

COUNT ONE:

The Plaintiff claims of the Defendants the sum of Three Thousand Dollars (\$3,000.00) as damages for that, on, to-wit, the 12th day of August, 1950, the Defendant, Willie Malloy, who was then and there a servant or an agent of the Defendant R. M. Rabon, while acting within the line and scope of his employment as such so negligently operated a motor vehicle on a public road, commonly referred to as the Jack Springs road, at a point, to-wit, eight (8) miles North of Bay Minette, Alabama, in Baldwin County, as to cause or allow said motor vehicle to run against or collide with the motor vehicle in which the Plaintiff was riding, as a proximate result of which negligence, Plaintiff suffered injuries in this; she was made sick, sore and lame and was caused to suffer great mental anguish. She was caused to incur medical and hospital expenses at a great expense to herself and was deprived of the use of her automobile for a period of to-wit, three weeks, all to her damage as aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendants the sum of Three Thousand Dollars (\$3,000.00) as damages for that, on to-wit, the 12th day of August, 1950, the Defendant, Willie Malloy, who was then and there a servant or an agent of the Defendant R. M. Rabon, while acting within the line and scope of his employment as such, wantonly injured Plaintiff on a public road, commonly referred to as Jack Springs road, at a point, to-wit, eight (8) miles North of Bay Minette in Baldwin County, Alabama, by then and there wantonly driving a motor vehicle against a motor vehicle in which the

Plaintiff was then and there riding, as a proximate result of which wantonness, Plaintiff was injured and severely damaged in this; she was made sick, sore and lame and was caused to suffer great mental anguish. She was caused to incur medical and hospital expenses at a great expense to herself and was deprived of the use of her automobile for a period of to-wit, three weeks, all to her damage as aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.

CHASON & STONE

By:


Attorneys for Plaintiff.

Executed 12-16-50 By

Revering copy of the within

Summons & Bill of complaint

on Willie Malloy &

P. M. Rabon
Taylor Williams Clerk
1471402 P. 5-

SUMMONS AND BILL OF COMPLAINT

ANNIE M. BLACKMON,

Plaintiff,

vs.

WILLIE MALLOY and R. M.
RABON,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

FILED
DEC 13 1950

ALICE I. DUCK, Register

LAW OFFICES

HYBART, CHASON & STONE
BAY MINETTE, ALABAMA

ANNIE M. BLACKMON,

Plaintiff,

vs.

WILLIE MALLOY and R. M.
RABON,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1587.

Comes now the Plaintiff in the above styled cause and moves the Court to strike the first paragraph of the Answer heretofore filed in this cause by the Defendants, Willie Malloy and R. M. Rabon, and in support of said motion, assigns the following separate and several grounds:


1. That the allegation "the matters therein alleged are untrue" is not in the form prescribed by law.

2. That the said first paragraph of the Answer is contrary to the provisions of Title 7, Section 225 of the Code of Alabama of 1940.

Respectfully submitted,

CHASON & STONE

BY:



MOTION TO STRIKE

RECORDED

ANNIE M. BLACKMON,

Plaintiff,

vs.

WILLIE MALLOY and R. M.
RABON,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1589.

*Filed 3-1-57
Annie Blackmon
vs
Willie Malloy and R. M. Rabon*

ANNIE M. BLACKMON, | IN THE CIRCUIT COURT OF
 | |
 | Plaintiff, |
 | |
 | vs |
 | |
WILLIE MALLOY and R. M. | |
RABON, | |
 | |
 | Defendants. |

Come the defendants in the above styled cause and answering plaintiff's complaint and each count thereof separately and severally say:

FIRST:

The matters therein alleged are untrue.

SECOND:

They are not guilty of the matters therein alleged.

THIRD:

That the plaintiff at the time and place of the alleged collision was guilty of contributory negligence which proximately contributed to the damages complained of, in this that, the plaintiff was driving an automobile on and along said Jack Springs road approaching the motor vehicle being driven by the defendant Willie Malloy; that she was driving the said automobile on her left hand side of the road apparently to turn in on a side road to her left and continued to drive her said automobile on her left hand side of the road until she was within a short distance of the vehicle then being driven by the defendant Willie Malloy, when, without warning, she cut across the road in front of the vehicle being driven by Willie Malloy, after Willie Malloy had turned from his right hand side of the road to the left hand side to avoid a collision with her, such turn in front of the vehicle being driven by Willie Malloy being so close and so rapid that Willie Malloy was unable to avoid such accident and that plaintiff's said negligence proximately contributed to the damages complained of.

W. C. Beebe
Attorney for Defendants

1589

RECORDED

Annie M. Blackmon,
Plaintiff

vs

Willie Malloy and R. M. Rabon,
Defendants.

Answer

6851

*Original Forwarded to Court
of Appeals*

ms B

*Filed 1-10-57
Miss. State
Court*

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Willie Malloy and R. M. Rabon, 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 same, then and there to answer the Complaint of Annie M. Blackmon.

Witness my hand this 15th day of December, 1950.

Alvin J. Welch
Clerk.