

JOHN FREGO,
PLAINTIFF,

VS.

FRANK W. BOYKIN,
DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

RELEASE OF GARNISHMENT

TO BANK OF FAIRHOPE, FAIRHOPE, ALABAMA
AMERICAN NATIONAL BANK, MOBILE, ALABAMA

GARNISHEES

The Garnishment in the above entitled cause is hereby released. This having been requested by the Attorney for the the Plaintiff.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of the court this the 23rd day of December, 1933.

W. A. Stone
Clerk of the Circuit Court of
Baldwin County, Alabama.

[Handwritten notes and signatures on the right margin]

RECORDED
ABH

Release of Garnishment

Filed Dec. 23rd 1999
W. A. Stone
Register.

BOND

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT.

KNOW ALL MEN BY THESE PRESENTS:

That we, John Frego as principal and
as sureties

are held and firmly bound unto Frank W Boykin

in the sum of Two thousand DOLLARS,

to be paid to the said Frank W Boykin his

heirs, executors, administrators or assigns; for which payment well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators jointly, severally and firmly by these Presents.

Sealed with our seals, and dated this 18th day of December 1923

The Condition of the Above Obligation is Such, That whereas, the above bound

John Frego
has commenced suit in the Circuit Court of said County by summons and complaint, which have issued from said Court, to recover of said

Frank W Boykin
the sum of One thousand Dollars,

and has on the day of the date hereof, prayed that Writ of Garnishment issue out of said Court to the Bank of Fairhope and American National Bank
corporations

summoning them to answer what they are indebted to said Defendant,

or what effects of said Defendant they have

in their possession, or under their control; and said Plaintiff having made oath as required by law in such cases, said Writ is about to issue out of said Court, returnable to the next Term of the Circuit Court, to be holden for Baldwin County.

NOW, if the said Plaintiff shall prosecute the Garnishment to effect, and pay the Defendant all such costs and damages as he may sustain, by reason of the wrongful or vexatious suing out of this Garnishment, then this obligation to be void; otherwise to remain in full force and effect.

AND WE, and each of us, hereby waive all rights of claim of exemption we, or either of us have now, or may hereafter have, under the Constitution and Laws of Alabama, and we hereby severally certify that we have property free from all incumbrance, to the full amount of the above bond.

John Frego (Seal)
J. P. ... (Seal)
W. P. ... (Seal)

Approved this 18th day of December A. D., 1923

W. R. ..., Clerk.

THE STATE OF ALABAMA,
Baldwin County.

Before me, Gladys Lowell, a notary public

in and for said County, personally appeared
John Frego

who, being duly sworn, doth depose...and say... that

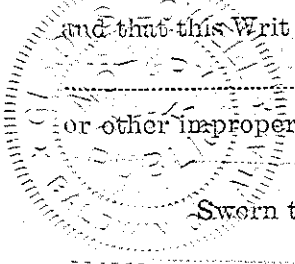
indebted to him
in the sum of One thousand DOLLARS
and that he has commenced a suit by summons and complaint on said in-
debtedness against the said Frank W Boykin

and that the American National Bank and
The Bank of Fairhope
supposed to be indebted to the said Defendant Frank W Boykin
or to have effects of the said Defendant
in its possession, or under its control, and that he believes that pro-
cess of Garnishment against the said Frank W Boykin
is necessary to obtain satisfaction of said claim; and that the said Bank of Fairhope
and American National Bank is believed to be chargeable as Garnishee in said cause,
and that this Writ is not sued out for the purpose of vexing or harassing said Defendant

or other improper motives.

Sworn to and subscribed before me this 18th day of December 1923.

Gladys Lowell
Notary Public Baldwin County Alabama.



RECORDED

116	NO.	THE STATE OF ALABAMA, BALDWIN COUNTY	CIRCUIT COURT	PLANTIFF	TO	DEFENDANT	Bond and Affidavit in Garnishment on Summons	Filed This <u>18th</u> Day of <u>December</u> 19 <u>23</u> .	<u>G. W. Stewart</u> CLERK
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(102)
(102)
(102)

BOND

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT.

KNOW ALL MEN BY THESE PRESENTS:

That we, *John Frego as principal and*
as sureties

are held and firmly bound unto *Frank W Boykin*

in the sum of *Two thousand* DOLLARS,

to be paid to the said *Frank W Boykin his*

heirs, executors, administrators or assigns; for which payment well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators jointly, severally and firmly by these Presents.

Sealed with our seals, and dated this *18th* day of *December* 19*23*.

The Condition of the Above Obligation is Such, That whereas, the above bound

John Frego
has commenced suit in the Circuit Court of said County by summons and complaint, which have issued from said Court, to recover of said

Frank W Boykin
the sum of *One thousand* Dollars,

and has on the day of the date hereof, prayed that Writ of Garnishment issue out of said Court to *the Bank of Fairhope and American National Bank* summoning *them* to answer what *they are* indebted to said Defendant, or what effects of said Defendant, *to they* have in *their* possession, or under *their* control; and said Plaintiff having made oath as required by law in such cases, said Writ is about to issue out of said Court, returnable to the next Term of the Circuit Court, to be holden for Baldwin County.

NOW, if the said Plaintiff shall prosecute the Garnishment to effect, and pay the Defendant all such costs and damages as *he* may sustain, by reason of the wrongful or vexatious suing out of this Garnishment, then this obligation to be void; otherwise to remain in full force and effect.

AND WE, and each of us, hereby waive all rights of claim of exemption we, or either of us have now, or may hereafter have, under the Constitution and Laws of Alabama, and *we* hereby severally certify that *we* have property free from all incumbrance, to the full amount of the above bond.

John Frego (Seal)
J. P. F... (Seal)
N. P. R... (Seal)

Approved this *18th* day of *December* A. D., 19*23*.
W. W. Stone, Clerk.

WILLARD A. WEEKLEY,
as Administrator of the
Estate of EVELYN WEEKLEY,
Deceased.

Plaintiff.

VS.

JOSEPH S. MAYO,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. _____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JOSEPH S. MAYO, 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 hold-
ing the same, then and there to answer the complaint of WILLARD
A. WEEKLEY, as Administrator of the Estate of EVELYN WEEKLEY, De-
ceased.

Witness my hand, this 26th day of December, 1953.

Wm. A. Stone
Clerk.

*We the jury
find fault
with plaintiff
the sum of
\$7000.00
(\$7000 thousand dollars)
J. Williams
J. Williams*

WILLARD A. WEEKLEY,
as Administrator of the
Estate of EVELYN WEEKLEY,
Deceased,

Plaintiff,

-vs-

JOSEPH S. MAYO,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. No. _____

FIRST: The Plaintiff, as Administrator of the estate of Evelyn Weekley, deceased, claims of the defendant \$25000.00 as damages; for that, upon to-wit, the 25rd day of March, 1932, the said Evelyn Weekley, a minor under fourteen years of age, was lawfully walking on State Highway No.31, which is a public highway, at a point about three quarters of a mile east of the Court House at Bay Minette; that the defendant was then and there while drunk driving an automobile eastwardly upon said highway, and said defendant wrongfully drove said automobile against said Evelyn Weekley and thereby proximately caused the death of the said Evelyn Weekley; all to the plaintiff's damage, as aforesaid.

SECOND: The Plaintiff, as Administrator of the estate of Evelyn Weekley, deceased, claims of the defendant \$25000.00 as damages; for that, upon to-wit, the 25rd day of March, 1932, the said Evelyn Weekley, a minor under fourteen years of age was lawfully walking on State Highway No.31, which is a public highway, at a point about three quarters of a mile east of the Court House at Bay Minette; that the defendant was then and there ~~while drunk~~ driving an automobile eastwardly upon said highway, and said defendant negligently drove said automobile against said Evelyn Weekley, and that as the proximate consequence of said wrongful act, defendant caused the death of said Evelyn Weekley;

Wherefore, plaintiff brings this suit.

J. A. Jenkins
Jesse F. Hagan
Attorneys for Plaintiff

NOTE: The Plaintiff demands a jury trial of the foregoing cause.

S. P. Jenkins

James E. Hogan
Attorneys for Plaintiff

3/7/4
James E. Hogan
Attorney for Plaintiff

Willard A. Buckley,
As Administrator of the
Estate of Evelyn Buckley,
deceased. Plaintiff

v.
Joseph S. Mays.

In the Circuit Court
of Baldwin County,
Alabama.

Comes the Defendant and demurs to the
Complaint heretofore filed, and to each
Count thereof separately and severally,
saying:

- 1: That said Court sets out no
facts showing that Defendant was guilty
of any negligence.
- 2: That said Court alleges no
negligence on the part of the Defendant.
- 3: That the allegation of negligence
is merely the conclusion of the Pleader.
- 4: That said Court does not allege
wherein the Defendant was guilty of any negligence.
- 5: That said Court does not allege that
said alleged injuries were caused by ~~Reasonable Person~~
~~Public & Hotel~~

Atty for Def
R

Mildred A. Threlby,
As Administrator

vs

Joseph S. Mayo.

Remuneration

Filed Aug 22, 1934
W. A. Stone
Clerk

Wesley is.

May 2

JURY LIST, FIRST WEEK, APRIL 8, 1935

NO.	NAME	OCCUPATION	ADDRESS
1	Lonnie Bryers	Drayman	Bay Minette
2	Alvin Rawls	Filling Station	Bay Minette
3	Ed Lamer Dubanks	Brick mason	Bay Minette
4	William D. Stapleton, Jr.	Insurance	Bay Minette
5	Willie Whitley	Naval Stores	Bay Minette
6	Forrest Newton	Mill man	Bay Minette
7	Herbert R. Weston	Abstractor	Bay Minette
8	Edward F. Benoist	Laborer	Bay Minette
9	Carl White	Farmer	Bay Minette
10	Frank Fenimore	Mechanic	Bay Minette
11	Robert D. McMillan, Jr.	Farmer	Stockton
12	Woodrow Bryant	Farmer	Stockton
13	Walker Trawick	Truckman	Bay Minette
14	George Yarborough, Sr.	Forester	Bay Minette
15	Frank Propst, Jr.	Cattleman	Bay Minette
16	S. Oscar Bristow	Naval Stores	Bay Minette
17	Davis Duck	Farmer	Bay Minette
18	Stanley M. Waters	Farmer	Gateswood
19	J. Frank Taylor	Farmer	Stapleton
20	John Canaan	Merchant	Loxley
21	Leon P. Comstock	Oil Agent	Loxley
22	William Seay	Mechanic	Loxley
23	Frost Smith	Clerk	Loxley
24	Carl E. Doering	Vulcanizing	Robertsdale
25	Gussie Dixon	Truckman	Robertsdale
26	John Shuman	Filling Station	Robertsdale
27	Jesse Stewart	Laborer	Robertsdale
28	Norman Racine	Clerk	Robertsdale
29	Albert Haupt	Farmer	Elberta
30	Jim Hermitz	Farmer	Elberta
31	Emmet G. Heuer	Farmer	Elberta
32	Frank Parker	Farmer	Perdido Beach
33	John Plash, Jr.	Merchant	Bon Secour
34	Leroy Robinson	Farmer	Belforest
35	Charlie Robinson	Farmer	Belforest

P1

P2

P3

P5

P7

P4

P8

P6

P3

P5

P6

P7

P8

P9

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P 9) IIII IIII
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WILLARD A. WEEKLEY,
as Administrator of the
Estate of Evelyn Weekley,
Deceased,

Plaintiff,

-72-

JOSEPH S. MAYO,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
CIVIL JURY No. 14 1/2.

DEMURERS

Comes now the plaintiff and demurs to plea No. 3 upon the following separate and several grounds, viz:

1st. Said Evelyn Weekley was a minor and cannot be charged with contributory negligence.

2nd. Said Evelyn Weekley was a minor under twelve years of age and cannot be charged with contributory negligence.

3rd. The allegations of the plea are not sufficient to charge Evelyn Weekley with contributory negligence.

4th. No duty rested upon Evelyn Weekley to stop and look for an approaching automobile.

The Plaintiff demurs to plea No. 4 upon the following separate and several grounds, viz:

1st. Said Evelyn Weekley was a minor and cannot be charged with contributory negligence.

2nd. Said Evelyn Weekley was a minor under twelve years of age and cannot be charged with contributory negligence.

3rd. The allegations of the plea are not sufficient to charge Evelyn Weekley with contributory negligence.

4th. No duty rested upon Evelyn Weekley to stop and look for an approaching automobile.

5th. The matters set out in said plea are irrelevant and immaterial.

The Plaintiff demurs to plea No. 5 upon the following separate and several grounds, viz:

1st. The facts alleged do not show any negligence on the part of the Plaintiff.

2nd. The negligence of Willard A. Weekley, if any, is not a defense to this action.

3rd. It does not appear from said plea that the said Willard A. Weekley was negligent in permitting the decedent to travel over or along the said highway without an adult or person of mature age to care for her.

4th. The matters set out in said plea are irrelevant and immaterial.

Richard R. Smith
Filed July 25, 1935

J. J. Perkins
James F. Hogan
Attorneys for Plaintiff

144
Perkins

Willard A. Webley
as administrator of the
estate of Evelyn Webley,
decd. P. C.

Joseph S. Mayo
defendant

In the circuit court
of Mobile County, Ala.

Comes now the Plaintiff and demurs
separately and severally to pleas three and
four, ^{as amended} upon the following separate and
several grounds, viz:

1st. No duty rested upon the said
Evelyn Webley to stop to look for defendant's
automobile.

2. The facts alleged do not show any
negligence on the part of said Evelyn Webley.

3. The *quo modo* is insufficient.

4. For aught that appears said accident
was caused by the negligence of defendant
subsequent to the matters set up in said
plea.

5. Said plea does not show that the said
Evelyn Webley was capable of being found
guilty of contributory negligence.

So Jenkins
Jas. P. Hester
Atty for Plaintiff

144
2

RECORDS
Buck

Filed January 28 1935
Robert H. Buck
Chf

WILLARD A. WEEKLEY,
as Administrator of the
Estate of Evelyn Weekley,
deceased,

Plaintiff,

vs.

JOSEPH A. MAYO,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Comes the Defendant, and for answer to the Plaintiff's
complaint, and to each Count thereof, separately and severally,
says:

The defendant pleads in short by consent the general
issue, with the right to introduce in evidence such facts and
matters as would be admissible if well pleaded.

Becke & Wallace
Attorneys for Defendant.

Circuit Court
1/23

RECORDED

WILLARD A. WEEKLEY, as
Administrator of the
Estate of Evelyn Weekley,
deceased,
Plaintiff,

vs.

JOSEPH S. MAYO,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

A N S W E R

Filed April 23, 1934.

M. A. Stone
Clerk. *MSA*

copy mailed John Allen
4/25/34

ALIAS

THE STATE OF ALABAMA

!

CIRCUIT COURT --LAW SIDE

BALDWIN COUNTY

!

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED to summon JOSEPH S. MAYO, 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 WILLARD A. WEEKLEY, as Administrator of the Estate of EVELYN WEEKLEY, deceased.

WITNESS my hand, this 24th day of December 1933.

W. A. Stone

WILLARD A. WEEKLEY,
as Administrator of the
Estate of EVELYN WEEKLEY,
Deceased,

Plaintiff.

-vs-

JOSEPH S. MAYO,

Defendant.

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

FIRST: The Plaintiff, as Administrator of the estate of Evelyn Weekley, deceased, claims of the defendant \$25,000.00 as damages, for that, upon to-wit, the 23rd day of March, 1932, the said Evelyn Weekley, a minor under fourteen years of age, was lawfully walking on State Highway No.31, which is a public highway at a point about three quarters of a mile east of the Court House at Bay Minette; that the defendant was then and there while drunk driving an automobile eastwardly upon said highway, and said defendant wrongfully drove said automobile against said Evelyn Weekley and thereby proximately caused the death of the said Evelyn Weekley; all to the plaintiff's damage, as aforesaid.

SECOND: The Plaintiff, as administrator of the estate of Evelyn Weekley, deceased, claims of the defendant \$25,000.00 as damages; for that, upon to-wit, the 23rd day of March, 1932, the said Evelyn Weekley, a minor under fourteen years of age was lawfully walking on State Highway No.31, which is a public highway at a point about three quarters of a mile east of the Court House at Bay Minette, that the defendant was then and there while drunk driving an automobile eastwardly upon said highway, and said defendant negligently drove said automobile against said Evelyn Weekley, and that as the proximate consequence of said wrongful act, defendant caused the death of said Evelyn Weekley.

Wherefore, plaintiff brings this suit.

J. C. Jenkins

John F. Hogan

Attorneys for Plaintiff

J. C. Jenkins

John F. Hogan

Attorneys for Plaintiff

NOTE: The plaintiff demands a jury trial of the foregoing cause.

C
O
P
Y

WILLARD A. WEEKLEY,
 as Administrator of the
 Estate of EVELYN WEEKLEY,
 Deceased,
 Plaintiff,
 -vs-
 JOSEPH S. MAYO,
 Defendant.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA.

AT LAW. No. _____

FIRST: The Plaintiff, as Administrator of the estate of Evelyn Weekley, deceased, claims of the defendant \$25,000.00 as damages, for that, upon to-wit, the 23rd day of March, 1932, the said Evelyn Weekley, a minor under fourteen years of age, was lawfully walking on State Highway No.31, which is a public highway at a point about three quarters of a mile east of the Court House at Bay Minette; that the defendant was then and there while drunk driving an automobile eastwardly upon said highway, and said defendant wrongfully drove said automobile against said Evelyn Weekley and thereby proximately caused the death of the said Evelyn Weekley; all to the plaintiff's damage, as aforesaid.

SECOND: The Plaintiff, as administrator of the estate of Evelyn Weekley, deceased, claims of the defendant \$25,000.00 as damages; for that, upon to-wit, the 23rd day of March, 1932, the said Evelyn Weekley, a minor under fourteen years of age was lawfully walking on State Highway No.31, which is a public highway at a point about three quarters of a mile east of the Court House at Bay Minette, that the defendant was then and there while drunk driving an automobile eastwardly upon said highway, and said defendant negligently drove said automobile against said Evelyn Weekley, and that as the proximate consequence of said wrongful act, defendant caused the death of said Evelyn Weekley.

Wherefore, plaintiff brings this suit.

J. C. Jenkins

John F. Hogan

Attorneys for Plaintiff

NOTE: The plaintiff demands a jury trial of the foregoing cause.

J. C. Jenkins

John F. Hogan

Attorneys for Plaintiff

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT --LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED to summon JOSEPH S. MAYO, 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 WILLARD A. WEEKLEY, as Administrator of the Estate of EVELYN WEEKLEY, deceased.

WITNESS my hand, this 24th day of December 1935.

M. D. Stone

WILLARD A. WEEKLEY,
As Administrator of the
Estate of Evelyn Weekley,
Deceased,

Plaintiff,
VS.

JOSEPH S. MAYO,
Defendant.

Y
*
Y
*
Y
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Y
*
Y
*
Y
*
Y
*

IN THE CIRCUIT COURT OF
BAIDWIN COUNTY, ALABAMA.

AT LAW. NO. _____

FIRST: The Plaintiff, as Administrator of the estate of Evelyn Weekley, deceased, claims of the defendant \$25,000.00 as damages, for that, upon to-wit, the 23rd day of March, 1932, the said Evelyn Weekley, a minor under fourteen years of age, was lawfully walking on State Highway No. 31, which is a public highway at a point about three quarters of a mile east of the Court House at Bay Minette; that the defendant was then and there while drunk driving an automobile eastwardly upon said highway, and said Defendant wrongfully drove said automobile against said Evelyn Weekley and thereby proximately caused the death of the said Evelyn Weekley; all to the Plaintiff's damage, as aforesaid.

SECOND: The Plaintiff, as administrator of the estate of Evelyn Weekley, deceased, claims of the defendant \$25,000.00 as damages; for that, upon to-wit, the 23rd day of March, 1932, the said Evelyn Weekley, a minor under fourteen year of age was lawfully walking on State Highway No. 31, which is a public highway at a point about three quarters of a mile east of the Court House at Bay Minette, that the defendant was then and there ~~while drunk~~ driving an automobile eastwardly upon said highway, and said defendant negligently drove said automobile against said Evelyn Weekley, and that as the proximate consequence of said wrongful act, defendant caused the death of said Evelyn Weekley.

WHEREFORE, Plaintiff brings this suit.

J. C. Chapman
Joseph F. Hogan
Attorneys for Plaintiff

NOTE:

The Plaintiff demands a jury trial of the foregoing Cause.

J. C. Chapman
Joseph F. Hogan
Attorneys for Plaintiff

C O P Y

ALIAS
CIVIL JURY

CASE NO. _____

WILLARD A. WEEKLEY,
As Administrator of the
Estate of EVELYN WEEKLEY,
Deceased,

Plaintiff,

VS:

JOSEPH S. MAYO,

Deceased,

COMPLAINT

FILED ON THIS THE 24th
DAY OF December, 1933

W. Alice Stone
Clerk

WILLARD A. WEEKLEY,
as Administrator of the
Estate of Evelyn Weekley,
deceased,

Plaintiff,

-vs-

JOSEPH S. MAYO,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
CIVIL JURY No. 14 1/2

Comes now the Plaintiff, and moves to strike the plea
filed by the Defendant, upon the following separate and several
grounds, viz:

- 1st. No consent has been given to the filing of this plea.
- 2nd. Said plea does not set up any matter in defense of
this action.
- 3rd. This plea neither denies nor does it confess and avoid
the cause of action set up in the complaint.

S Jenkins

Joseph S Mayo
attorneys for Plaintiff

*No hereby accept service
of the above this May 16, 1934
Bebe Hall
Attorney*

RECORDED
INDEXED
MAY 11 1934

RECORDED

RECORDED

145

STATE OF NEW YORK

124 1/2
RECORDED
INDEXED

RECORDED

William S. Murphy

VS

Joseph P. Mayo

Motion

Filed May 16, 1934
W. A. Stone

Clerk

2993

1934

Handwritten notes and signatures in the right margin, including names like "Murphy" and "Mayo".

Handwritten signature or initials in the right margin.

WILLARD A. WEEKLEY,
as Administrator of the
Estate of Evelyn Weekley,
deceased,

Plaintiff,

vs.

JOSEPH S. MAYO,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Comes the Defendant, and for answer to the Plaintiff's
complaint, and to each Count thereof, separately and severally,
says:

ONE:

That the facts therein alleged are untrue.

TWO:

That he is not guilty of the facts alleged.

THREE:

That the said Evelyn Weekley was a minor over seven years
of age; that she lived on or near the said state highway, number 31;
had occasion to travel along or over said highway almost daily, and
had the opportunity to observe and knew that numerous cars passed
along the said Highway during the day; that she had sufficient age,
judgment, and discretion to appreciate, and did realize and appreciate
the danger of traveling along or crossing said highway without keeping
a look out for approaching automobiles; that on the date and at the
time alleged she ^{without looking} ~~negligently~~ ran in front of the approaching automobile
^{which automobile was in such close proximity that defendant could not avoid striking her,}
of the defendant, ~~without ^{adequately} looking~~, which negligence proximately
contributed to the injuries complained of.

FOUR:

That the said Evelyn Weekley was a minor over seven years
of age; that she lived on or near the said state highway, number 31;
had occasion to travel along or over said highway almost daily, and
had the opportunity to observe and knew that numerous cars passed

along the said highway during the day; that she had sufficient age, judgment and discretion to appreciate, and did realize and appreciate the danger of traveling along or crossing said highway without keeping a look out for approaching automobiles; that on the date and at the time alleged she attempted to cross over the said highway without stopping to look for and observe the approaching automobile of which automobile was in such close proximity that defendant could not stop his automobile, the defendant, which negligence proximately contributed to the injuries complained of.

FIVE:

That the Plaintiff, who was the father of the decedent, Evelyn Weekley, a minor over seven years of age, was guilty of negligence which proximately contributed to the injuries alleged, in that he permitted the said decedent to travel over or along the alleged highway, knowing that numerous cars passed over the same, without an adult or person of mature age to care for her.

Robert Hall
Attorney for the Defendant.

6
That the said Evelyn Weekley was a minor over seven years of age; that she lived on or near the said State Highway, Number 31; had occasion to travel over or along said Highway almost daily, and had opportunity to observe and knew that numerous cars passed along the said Highway during the day; that she had sufficient age, judgment and discretion to appreciate, and did realize and appreciate the danger of travelling along or crossing said Highway without keeping a look out for approaching automobiles; that on said date and at the time alleged she negligently ran suddenly in front of said approaching automobile in such close proximity thereto that defendant could not by the use of all due diligence of a careful and prudent driver stop said automobile before it struck her, which negligence of the said Evelyn Weekley proximately contributed to the injury complained of

~~14-11-34~~
week

WILLARD A. WEEKLEY, As Admin-
istrator of the Estate of
Evelyn Weekley, Deceased,

Plaintiff,

-VS-

JOSEPH S. MAYO,

Defendant.

PLEA

Filed August 29, 1934,

W. A. Stearns
Clerk.

(5)

BEEBE & HALL
LAWYERS
BAY MINETTE, ALA.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA--GREETING:

Whereas John Frego
has commenced suit by ~~Summons and Complaint~~ returnable to the next term of the Circuit Court
of said County, against Frank W. Boykin

for the sum of One Thousand Dollars ~~Dollars~~ and whereas, the said
John Frego

has entered into bond, and made affidavit as required by law that the said
Frank W. Boykin

is indebted to him in the sum of One Thousand
Dollars, and that process of garnishment is believed to be necessary to obtain satisfaction of such

judgment as may be recovered by Plaintiff, and that The Bank of Fairhope, a
Corporation and the American National Bank of Mobile
or is believed to be chargeable as garnishee in the cause.

YOU ARE THEREFORE, commanded to summon the said Bank of Fairhope
and American National Bank

to be and appear at the next term of the Circuit Court, to

be holden for the County of Baldwin, ~~on~~ within the time required by law-199--,
then and there to answer, upon oath, whether, at the time of the service of this garnishment, or
~~at the time of making your answer, or at any time intervening between the time of serving the~~
garnishment and making the answer, you ~~were~~ indebted to the defendant, and whether, you
will not be indebted to him in the future by a contract then existing, and whether by a contract
then existing, you are liable to him 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 you have not in your possession or under your control money or
effects belonging to the defendant.

Witness my hand this 18 th day of December, 1933, 192---

[Signature]
Clerk.

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No. **RECORDED**

Circuit Court of Baldwin County

John Frego

vs. } **GARNISHMENT ON SUMMONS**

F. W. Boystin

Issued 18 day of Dec., 1933

Plaintiff's Attorney

Moore Printing Co. Bay Minette, Ala.

Received 19 Day of March 1935
and on 20 Day of March 1935

I served a copy of the within garnishment
on American Nat'l Bank
of Mobile

by service on R. W. Baker

as earlier
W. H. HOLCOMBE, Jr., Sheriff
By Wm. Bennett D. S.

LAW OFFICES
ELLIOTT G. RICKARBY
BANK BUILDING
FAIRHOPE, ALABAMA

December 28nd 1933.

Mrs Mary A. Stone,
Clerk Circuit Court,
Bay Minette, Alabama,

Dear Mrs Stone:-

FREGO vs BOYKIN: Please send notice of release of the garnishment in this case to the two garnishees, the American National Bank of Mobile and the Bank of Fairhope by next mail, this being your authority to do so. The matter is now in process of being settled.

I will also ask you to send me at Fairhope a memorandum of the amount of costs to be paid if the matter is dismissed by the plaintiff without further proceedings.

Very truly yours,

Elliott G. Rickarby.
att'y for Plaintiff.

1130.
R:R.

