(14)

JOHN FREGO,

PLAINTIFF,

VS.

FRANK W. BOYKIN, DEFENDANT. IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

#### RELEASE OF GARNISHEENT

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.

Clerk of the Circuit Court of Baldwin County, Alabama.

#BCOMPAN

Release of Garnishment

Felia Der 23 rt 1999 My. A. Stine My inter. 

# THE STATE OF ALABAMA, Baldwin County.

## CIRCUIT COURT.

KNOW ALL MEN BY THESE PRESENTS:

That we, John	U	<i>U</i>	<i>V</i>	·	as surel
	4	7 7	V Buysa		
are held and firmly bound unt	o	<i>223, C. J.</i>	v ruogse		
	5,77 may 2 Million		<u></u>		
in the sum of Two el			• • • • • • • • • • • • • • • • • • • •		DOLLARS,
to be paid to the said	Grans (	w 13	ey, aii	his	
heirs, executors, administrato	rs or assigns; i	or which pa	yment well and	l truly to be	made, we bind
ourselves, and each of us, our	and each of ou	r heirs, exe	cutors and adm	inistrators jo	intly, severally
and firmly by these Presents.			<del>7-5</del> 0	•	
Sealed with our seal	ls, and dated t	his $\frac{18}{}$	day of	)ecember	1993
The Condition of				* 1	
Annual An	John o			#	
ha ocommenced suit in the			enty by summor	s and comple	int, which have
		o or said oo	inty by summon	is and compa	7489 H-1913
issued from said Court, to reco			······································		
	Frank !	V Kings	ian_		
the sum of One the	mana	K			Dollars,
and ha on the d	ay of the date	hereof, pray	yed that Writ of	f Garnishmen	t issue out of
said Court to the Ban	c of Fair	hope an	a america	- nahm	ea Banoc
	"				
summoning There to answer	er what	ind	ebted to said D	efendant	
or what effects of s	aid Defendant	, <del>Z</del>	Thay	,	ha
in their possession, or u			and said Plaint	iff having ma	do ooth on mo
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quired by law in such cases, so				ro, recurnadi	e to the next
Term of the Circuit Court, to 1	be noticen for f	Saldwin Cou	moy.	•	
NOW, if the said Pla					
Defendantall such costs and					
vexatious suing out of this G	arnishment, th	en this obli	igation to be void	d; otherwise t	oremain in full
force and effect.		<u> </u>	en i di estat e come i di ci ci		<b>*</b>
AND WE, and each			A	exemption v	ve, or either of
us have now, or may hereafter					
hereby severally cer	rtify that	<u>د</u>	_have propert;	y free from a	ll incumbrance,
to the full amount of the above	bond.			- 1	
		J	allen S	Mega.	(Seal)
			15/1/1	rfin	(Seal)
		NA	DH	ads-	7 / / / / / / / / / / / / / / / / / / /
		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	م المستسبط مستوان المارية . ما المريد . ما المريد م		(Seal)
Approved this	∠8′— day o	f Lleen	men	A. D., 1995	•
	•		. L. St		Clerk

THE	STATE	OF	ALABAMA,
	Baldw	in Co	unty.

Before me, Gladys Lowell a notary puller

and for said Cou	nty, persona	ally appeared	n Fre				
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apposed to be inde	htad to the	said Defenda	int Fr	ankr	Boyle	The same of the sa	
to have effects of	the said D	efendant				and the second	Tarak Met Ed
its	possession	, or under 🚣	its	control, and	$_{ m that}$	believes	s that pro-
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necessary to obta	in satisfaction	on of said cla	$\lim$ : and th	at the said	Band	of Fair	hope
ne america	n Kalu	nac Bar	is believe	d to be charg	eable as Ga	rnishee in	said cause,
d that this Writ is	s not sued or	at for the pu	rpose of ve	xing or hara	ssing said I	Defendant_	
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other improper i	notives.			500	In The	1090	· · · · · · · · · · · · · · · · · · ·
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ALABA		Carlo Barris	PLA		DEFEN and Affidavit in Garnishment		
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BOND

# THE STATE OF ALABAMA, Baldwin County.

## CIRCUIT COURT.

KNOW ALL MEN BY THESE PRESENTS:

That we, John orego as principal and
as sure
are held and firmly bound unto Frank W Buyston
The soll and the s
in the sum of Two Chousand DOLLAR
to be paid to the said Frank W Boy i his
heirs, executors, administrators or assigns; for which payment well and truly to be made, we bir
ourselves, and each of us, our and each of our heirs, executors and administrators jointly, several
and firmly by these Presents.
Sealed with our seals, and dated this 18 day of December - 1923
The Condition of the Above Obligation is Such, That whereas, the above boun
John Trego
ha 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 Buyston
the sum of One thousand Dollar
and ha on the day of the date hereof, prayed that Writ of Garnishment issue, out
said Court to the Band of Fairhope and compositioned Band
summoning That to answer what the indebted to said Defendant,
or what effects of said Defendant , They , have
the same of the sa
in the possession, or under control; and said Plaintiff having made oath as re
quired by law in such cases, said Writ is about to issue out of said Court, returnable to the nex
Term of the Circuit Court, to be holden for Baldwin County.
NOW, if the said Plaintiff shall prosecute the Garnishment to effect, and pay th
Defendant all such costs and damages as may sustain, by reason of the wrongful c
vexatious suing out of this Garnishment, then this obligation to be void; otherwise to remain in fu
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
and the control of th
hereby severally certify that have property free from all incumbrance
to the full amount of the above bond.
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Mail
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NAMA (Sea
Approved this 18- day of December A. D., 1993.

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

Plaintiff.

VS.

JOSEFH S. MAYO,

Defendant.

IN THE CIRCUIT COURT OF BAIDWIN 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 holding the same, then and there to answer the complaint of WILLARD A. WEEKLEY, as Adminstrator of the Estate of EVELYN WEEKLEY, Deceased.

witness my hand, this 26 to day of December, 1953.

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

Plaintiff,

-VS-

JOSEPH S. MAYO,

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

Defendant.

AT LAW. No.\_\_\_\_

FIRST: The Plaintiff, as Administrator of the estate of Eyelyn Weekley, deceased, claims of the defendant \$25000.00 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 \$25000.00 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 sails drenk 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.

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	JOSEPH S.	EAYO		
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Received 2-27-34

W. H. HOLCOMBEIL, Sheriff,

By January D. S.

And Returned Without Action
By Order Of Octly

Mode: 👙 😹

The Plaintiff demands a jury trial of the foregoing

cause.

attorneys for Plaintiff

Milland a. Wrekley, In the Cercuit Comments, as abounted of the Estate of Evely, Heekley, deceased Champy Joseph S. Mayo. Come the Defendant and demus to the Court herebofure filed, and to each Court thereof Departily and severally, facts that daid Court sets out no.
I amy negligence
That Daid Court arleges no regignie on the part of the Defendant 3: Kex the aclegation of Reglegence is need the conclusion of the Oliver That Daid Court does not allege wherein the Referenced we sould gave Restigiones. That me count posion confession that Said thelegal mynus wer Cand of Section A Holde

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. WILLARD A WEEKLEY VS. JOSEPH S. LAYO OMPLAINT SUMMONS & FILED this the 26th day of december, 1933.

Received 2-27-34 And Returned Without Action

W. H. HOLCOMBETT., Sheriff,

By Farman D. S.

By Order Of actly

Willard a Therley, Joeph Snago. Denurreros

Filed Ang In 1934 Open De Diller Care

Weelley

# JURY LIST, FIRST WEEK, APRIL 8, 1935

NO	. NAME	OCCUPATION	ADDRESS		
1	Lonic Dryots	—D:аудад	Bay Minette		
2_	Alvin Rawls	Filling Station	Bay Minette	1-1	
32	O: Lawer Bubanks	Brick mason	Bay Minette	m <sup>a</sup> a	
4_	William D. Stapleton, Jr.	Insurance	Bay Minette		
tune:5	-Willie-Whitley	Naval Stores	Bay Minerte	Street St.	and the second of the second o
6	.Fortest Tewton	Mill man	Bay-Minette	6	ere de la companya d
-7	Herbert R Weston	Abstractor	Bay Minette	2)	
8	-Edward-P:-Benoist	-Laborer	Bay Minette	<i>y</i> ₽	
9-	<del>Cal Wille</del>	- Posterior	Bay Minerte	ments.	
-10-	Frank Penninear	Mechanie	Bay Minette	(A) Principles	
_11_	Robert D. McMillan, Jr.	Farmer	Stockton 2	્ડ	
12	Woodrow Bryant	Farmer	Stockton	pro proseg	
43_	Walter Trawick	-Truckman	- Bay-Minette	fred !	
14	George Yarborough, Sr.	Forester	Bay Minette	1031	
15	Frank-Propst, Jr	Cattleman	Bay Minette	so Para	
16	S-Oscar-Bristow	Naval Stores	Bay Minette	NO	
17	Davis Duck	Farmer	Bay Minette	O &	
48	-Stanley - M - Waters	Farmer	Gateswood		
_19_	J Frank Taylor	Farmer	Stapleton /		
20	John Canaan	Merchant	Loxley	7	
-51	Leon P Comstock	Oil Agent	—Loxley	F.	30
22	William Seay	Lechanio	Loxley		<u> </u>
-23	Frost Smith	Clerk	Loxley /	7	18
-24	Carl E Doering	Vulcanizing	Robertsdale		•
_25_	Gussie Dixon	- Truckman	Robertsdale	- P9	
26	John Shuman	Filling Station	Robertsdale		
27	Jesse Stewart	Laborer	Robertsdale	,	29
28	Norman Racine	Clerk	Robertsdale		2 2
29	Albert Haupt	Farmer	Elberta		7 7
30	Jim Hermitz	Farmer.	Elberta		
31·.	Emmet G Heuer	Farmer	Elberta	<u> </u>	· · · · · · · · · · · · · · · · · ·
-32=	Front Porker	Earmer	Perdido Beach		
-33	John Plash, Jr	- <del>Merchant</del>	Bon Secour	98	
34	Leroy Robinson	Farmer	Belforest		
35	Charlie Robinson	Farmer	Belforest		

WILLARD A. WREELBY. Cilias Administrator of the Estate of EvelynPWeekley, Deceased,

Plaintiff, )

- TF 65 --

IN THE CIRCUIT COURT OF JOSHPH S. MAYO. ) BAUDWIN COUNTY. ALAFAMA CIVIL JURY No. 14 1/2.

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la Arabang sali serjagulig na saun nga kilasik

Defendant.

#### DEWURERS

Comes now the plaintiff and semure to plea No.3 upon the following separate and several groups siz:

lst. Said Evelyn Weekly was a minor and cannot be charged with contributory negligence.

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

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

No duty rested upon Evelyn Reekley to stop and look 4th. 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.

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

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

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

The Blaintiff demurs to plea Mo.5 upon the following separate and several grounds, viz:

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 impaterial.

Jegenhins Jakomeje Fortsleight

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Willard a Weepley In the mercut sounty als exeste & Birlyn Mikley, decd. Ply South & Mayo Mylendant Comes nine the Plantiff and almurs separately and severally to pleas three and Four upon the following separate cevel several gramids, viz: 1 st. no duty restel upon the soil Evelyr. Weekley to ktop to look predictabiles 2. The facts alleged do not of our any weekly mylance on the purt of said Evelyn Weekly 3. The que mode is usufficient to For ought the regigine & soil sasident was connect by the negligine & set up in soil subsequent to the mosters set up in the said file. Polia. Said pla dold not show the said 5. Said pla dold not show the shirt form Evelyr weekly was safable of heing formally by grafty to sontribulary wellers are hope atty for Thouse Sign

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The Jehran &8 1935 Robert Back WILLARD A. WEEKLEY, as Administrator of the Estate of Evelyn Weekley, deceased,

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

Plaintiff,

VS.

JOSEPH A. MAYO,

Defendant.

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.

Attorneys for Defendant.

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MICONIE

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.

ANSWER

Filed April 23, 1934.

11. A. Stores

copy mailed John aller

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. WEEKIEY, as Administrator of the Estate of EVELYN WEEKLEY, deceased.

WITNESS my hand, this 244 day of 1933.

----

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

Plaintiff.

JOSEPH S. MAYO.

Defendant.

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BALDWIN COUNTY, ALABAMA.

AT LAW.

No. 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.

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

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Note:

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

Plaintiff,

-78-

JOSEPH'S. MAYO,

المائية الراجعين

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.

School Attorneys for Plaintiff
NOTE: The plaintiff demands a jury trial of the foregoing cause.

C
O
Attorneys for Plaintiff

	speriet page 70
	ALLAS
	CIVIL JURY
	case No. 145
	CASE NO.
THE STATE OF THE S	
	14. 9 a 4 a 5
Executed March 213rd 1934	
by serving copy of within Summons and	WILLARD A. WEEKLEY, As Administrator of the
Complaint on	Estate of EVELYN WEEKLEY,
Joseph S. Mayo	Deceased,
	fred a Statubrit, Said.
Communication and the second s	
# (11) (4) (5) (6) (7) (7) (7) (7) (7) (7) (7) (7) (7) (7	
WR Stuart Shoring	JOSEPHUS, MAYO,
By Deputy, Sheriff	To the second and the
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	SUMMONS & COMPLAINT,
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THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT --LAW SIDE

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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 Seemler 1935.

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

Plaintiff,

VS.

JOSEPH S. MAYO, Defendant. IN THE CIRCUIT COURT OF BAIDWIN COUNTY, ALABAMA.

AT LAW. NO.

FIRST: The Plaintiff, as Administrator of the estate of Evelyn Weekely, 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 wrongfully drove said automobile against sand 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 administratof 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 Pay Minette, that the defendant was then and there while dawnk 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.

Attorneys for Plaintiff

NOTE:

The Plaintiff demands a jury trial of the foregoing Cause.

Attorneys for Plaintiff

COPY

CIVIT, 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

DAY OF Alacande

, 1933

May Rece Sto

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 Clerkins

October & Hayan

Attorneys for Plaintiff

He hereby accept service of the above this May 11.1934 Belbe Ball

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Hard. y. a Stone 

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

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Plaintiff,

٧s.

JOSEPH S. MAYO,

Defendant.

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 to the contribution of the approaching automobile which automobile which automobile which automobile without should be profitted 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 is and close fact in the approaching automobile of 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.

Attorney for the Defendant.

years of age; that the lived on or near the Dain State Hydring, humber 31; had occasion to home over or along said Highway almost doily, and had appartunity to absence and Knew that numerous cors passed along the said Highway during the day; that she had sufficient age, judgment and descretion to appreciate, and this realize and appreciate the dauger of troubling along or crossing said Highway without Keeping a loan and for approaching automobiles: these on said date and at the time alleged she regignts ran authenty in front of Dain approaching automobiles in such close proximity thereto that Defendant could not by the use of see due deligence of a couple and present drive stop said automobile before it struck her, which regigence of the said automobile before it struck her, which regigence of the said



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

Plaintiff,

··· VS···

JOSEPH S. MAYO,

Defendant.

PLEA

Filed August \_\_\_\_, 1934,

Clerk.

BEEBE & HALL LAWYERS BAY MINETTE, ALA.

(I)

Clerk.

# The State of Alabama, Baldwin County

### CIRCUIT COURT

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

Whereas John Fr	ego	<u></u>	
-	-	t returnable to the next term	
of said County, against	Frank W. Boyk		
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John Frego	. The state of the	· · · · · · · · · · · · · · · · · · ·	*******
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	<u>. 304</u>	( <u>, 12 07704,</u>	~~~~~~~

Circuit Court of Baldwin County John Frego GARNISHMENT ON SUMMONS Issued 18 day of Dec., 193352 Plaintiff's Attorney

Moore Printing Co. :::: Bay Minette, Ala.

LAW OFFICES

### ELLIOTT G. RICKARBY BANK BUILDING

FAIRHOPE, ALABAMA

December 23nd 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 preceedings.

Very truly yours,

Beent & Qui

1130. R:R.

THE STATE OF ALABAM BALDWIN COUNTY.	$A, \{$	10.1.7	<b>(</b>	CIRCUIT	COURT,	i	rm, 19
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THE STATE OF ALABAMA.

THE STATE OF ALABAMA BALDWIN COUNTY.	, } No. /	CIRCUIT CO	URT,	Tor	m, 193
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