

MRS. H. S. JACKSON,

Plaintiff,

vs.

LEE ROBINSON,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 988

Comes the Defendant and shows unto the Court that Mrs. H. S. Jackson was at the time of the filing of this suit and has been at all times since, and is now, a non resident of the State of Alabama, and a resident of the State of Louisiana.

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

*Hyatt & Chonay*  
*Johnston, McCall & Johnston*  
Attorneys for Defendant

STATE OF ALABAMA  
COUNTY OF MOBILE

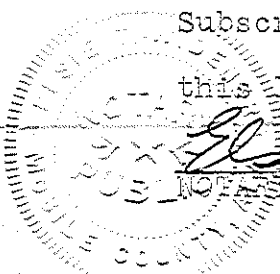
Before me, the undersigned authority in and for said state and county, personally appeared Sam M. Johnston, who, being by me duly sworn on oath, deposes and says that he is one of the attorneys for the defendant in the above entitled cause, and that he is informed and believes, and upon such information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

*Glenn W. Widener*  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA



IN THE CIRCUIT COURT OF  
~~RECORDED~~  
BALDWIN COUNTY, ALABAMA

AT LAW

988

MRS. H. S. JACKSON,

Plaintiff,

vs.

LEE ROBINSON,

Defendant.

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

FILED

JUL 14 1947

ALICE L. DUCK, Clerk

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

STATE OF ALABAMA }  
COUNTY OF MOBILE }

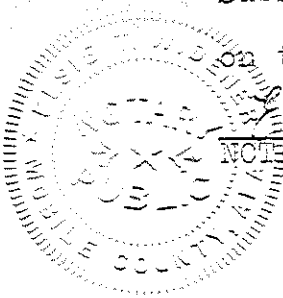
Before me, the undersigned authority in and for said State and County, personally appeared William E. Johnston, who, being by me first duly sworn on oath deposes and says that he is one of the attorneys for Lee Robinson, the defendant in the case entitled "Mrs. H. S. Jackson, Plaintiff, vs. Lee Robinson, Defendant, No. 988" 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.

Walter J. Widener  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA



IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

NO. 988

MRS. H. S. JACKSON,  
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

MRS. H. S. JACKSON,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 988

DEMURRER TO COUNT 5 OF THE AMENDED COMPLAINT

Comes the Defendant in the above entitled cause and demurs to Count 5 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.

  
Attorneys for Defendant

RECORDED  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

No. 988

MRS. H. S. JACKSON,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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DEMURRER

TO COUNT 5 OF THE

AMENDED COMPLAINT

*filed*  
*2-27-47*  
*Miss Luck*  
*clerk*

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

RECORDED  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

No. 988

MRS. H. S. JACKSON,  
Plaintiff,  
VS.

LEE ROBINSON,  
Defendant.

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DEMURRER  
TO COUNT 5 OF THE  
AMENDED COMPLAINT

*Filed*  
*2-27-47*  
*Wesley H. Hark*  
*clerk*

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

MRS. H. S. JACKSON

PLAINTIFF

VS

LEE ROBINSON

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW.

NO. 988

Now comes the Plaintiff and amends her complaint heretofore filed in this cause, by adding count 5, as follows:

5.

The Plaintiff claims of the Defendant NINETEEN HUNDRED NINETY-FIVE DOLLARS (\$1995.00), 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: bruises and lacerations near her eye; bruises and lacerations on the right side of head; bruises on the right side of the body; shoulders spranged; she was otherwise injured; she was made sick, sore and lame; 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. Keadley*

*Wm. Lee*

Attorneys for the Plaintiff



**RECORDED**

4 files

9-30-4 *h*

Q. S. neck

MRS. H. S. JACKSON,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 988

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.

*Johnston, McCall Johnston*  
*Hyslop & Cheson*  
Attorneys for Defendant

MRS. H. S. JACKSON,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 988

1. Comes the Defendant and for answer to Counts 1, 2 and 4 of the Complaint says he is not guilty.

2. And for further plea in his behalf to Counts 1, 2 and 4 of the Complaint, Defendant says that at the time and place complained of, a servant or agent of Plaintiff, while acting within the line and scope of her duties as such, was, herself, guilty of negligence which proximately contributed to her alleged injuries and damages.

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 a servant or agent of the Plaintiff, while acting within the line and scope of her employment as such, so negligently operated an automobile as to cause or allow the same to collide with the Defendant's automobile, as a proximate result of which negligence the Defendant suffered serious and permanent injuries 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

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, a servant or agent of the Plaintiff, while acting within the line and scope of her employment as such, wantonly injured the Defendant and the Defendant's automobile by then and there wantonly colliding an automobile which she was driving with an automobile which the Defendant was driving, as a proximate result of which wantonness, the Defendant suffered serious and permanent injuries as follows: his right leg was fractured and his chest was crushed, bruised and injured; broken; he suffered fractures of his ribs; 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.

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

Executed this 9-19-46 by  
serving a copy of the within  
on H. M. Hall attorney of  
record for the plaintiff

*H. B. Gaskett*  
Sheriff

RECORDED  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW No. 988

MRS. H. S. JACKSON,  
Plaintiff,  
VS.  
LEE ROBINSON,  
Defendant.

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PLEAS  
and  
COUNTER CLAIM

Filed Sept 19, 1946  
*Philipp Clark*

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

MRS. H. S. JACKSON,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 988

INTERROGATORIES PROPOUNDED TO THE PLAINTIFF BY THE DEFENDANT:

1. Please state your age and your residential address. (a) Are you married? (b) If so, where does your husband reside and in what business is he engaged? (c) If you state that your residence is in the State of Louisiana, please give the address and the City in which you live. (d) If you state that your residence is not in Louisiana, please state whether you ever lived there and for how long and when you moved away.

2. What relation is Mary Jackson, the driver of said automobile involved in the collision, to you? (a) How old is said Mary Jackson? (b) Had she ever driven an automobile before the collision? (c) If so, how long had she been driving an automobile? (d) Had she ever had any collisions before? (e) If so, when and where? (f) Were you and your daughter visiting in Alabama at the time of the collision? (g) If so, who drove said automobile from Louisiana to Alabama? (h) When did you and your daughter drive to Alabama from Louisiana? (i) For what purpose were you visiting Baldwin County, Alabama? (j) Who were you visiting at the time of the collision? (k) From what point had you come at the time of the collision? (l) What was your destination at that time? (m) Who was in said automobile at the time of the collision? (n) Who was riding on the front seat with the driver at the time of the collision? (o) Who was riding on the rear seat at the time of the collision?

3. Did you see the Defendant's automobile prior to the collision? (a) If so, how far was it from the automobile in which you were riding at the time of the collision? (b) How fast was it running at the time? (c) How fast was the automobile in which you were riding

running at the time? (d) How fast was it running fifty (50) yards from the point of the collision? (e) How fast was it running one hundred fifty (150) yards from the point of the collision? (f) What precautions, if any, did Mary Jackson, the driver of the automobile in which you were riding, take to avoid the collision? (g) State fully and in detail exactly how said collision occurred. (h) Have you done this?

4. Who owned the automobile in which you were riding at the time of the collision? (a) From whom was it purchased? (b) When was it purchased? (c) How much was paid for it? (d) Who paid for it? (e) What make of automobile was it? (f) What year model was it? (g) What type of automobile was it?

5. Did you suffer any injuries as a result of said collision? (a) If so, what injuries did you suffer? (b) What doctor or doctors attended you? (c) How many times did he or they attend you? (d) How many times did you visit a doctor as a result of said injuries? (e) How many times did the doctor visit you on account of said injuries? (f) Were you confined to your bed on account of said injuries? (g) If so, for how many days? (h) Were you confined to a hospital on account of said injuries? (i) If so, for how many days? (j) Were you put to any medical, doctors' and hospital expenses on account of your said injuries? (k) If so, state the amount thereof and itemize the same. (l) Were you employed at the time of the collision? (m) If so, by whom and what was your salary? (n) How many days did you lose from your employment, if any?

6. Do you know how to drive an automobile? (a) If so, how long have you known how to drive an automobile? (b) Have you ever been involved in a wreck or collision while driving an automobile before this time? (c) If so, give the dates and the occasions and where said collisions occurred. (d) Have you done this?

Johnston, McCall & Johnston  
Hyatt & Chason  
Attorneys for Defendant

Executed this 19<sup>th</sup> day of  
September 1946 by serving  
a copy of the within on  
H. M. Hall Attorney of record  
for the plaintiff.  
*H. M. Hall*  
Scribb

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 989

MRS. H. S. JACKSON,  
Plaintiff,

VS.

LEE ROBINSON,  
Defendant.

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INTERROGATORIES PROPOUNDED  
TO THE PLAINTIFF BY THE  
DEFENDANT

*Filed Sept 19-1946*  
*Reinick*  
*Clerk*

JOHNSTON, MCCALL & JOHNSTON  
LAWYERS

SUITE 804, FIRST NATIONAL BANK ANNEX  
MOBILE 4, ALABAMA



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 13th day of September, 1946.

Elsie M. Tetley  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

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 MRS. H. S. JACKSON.

WITNESS my hand, this the 28 day of August, 1946.

*R. L. Lucas*  
Clerk

MRS. H. S. JACKSON

PLAINTIFF

VS

LEE ROBINSON

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

1.

The plaintiff claims of the defendant NINETEEN HUNDRED NINETY-FIVE DOLLARS and 00/00 (\$1995.00), 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: bruises and lacerations near her eye; bruises and lacerations on the right side of the head; bruises on the right side of the body; shoulders spranged; she was otherwise injured; she was made sick, sore and lame; 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 NINETEEN HUNDRED NINETY-FIVE DOLLARS and 00/00 (\$1995.00), 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: bruises and lacerations near her eye; bruises and lacerations on the right side of head; bruises on the right side of the body; shoulders spranged; she was otherwise injured; she was made sick, sore and lame; 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.

3.

The plaintiff claims of the defendant NINETEEN HUNDRED NINETY - FIVE DOLLARS and 00/000 (\$1995.00) as damages for that on, to-wit, June 25, 1946, the plaintiff was riding, in an automobile along Highway #90 and that at the intersection of Highway #90 and Highway #31 at or near Spanish Fort in Baldwin County Alabama, the defendant willfully or wantonly drove an automobile into, 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: bruises and lacerations near her eye; bruises and lacerations on the right side of head; bruises on the right side of the body; shoulders spranged; she was otherwise injured; she was made sick, sore and lame; 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.

4.

The plaintiff claims of the defendant ONE THOUSAND (\$1000.00) DOLLARS, as damages for that on, to-wit, June 25, 1946, the plaintiff's automobile was being driven along highway #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 of the plaintiff and as a proximate result of said negligence the plaintiff's automobile was damaged as follows: the front wheels were broken; the body was bent and torn; the fenders were bent and broken; the

glasses were broken; the radiator was broken; the hood was bent; the chases were bent; the car was otherwise damaged, for all of which the plaintiff claims damages as aforesaid.

Arthur J. Keane

BEEBE & HALL

BY: Arthur J. Keane  
Attorneys for the Plaintiff

The defendant demands a trial by jury.

Arthur J. Keane

BEEBE & HALL

BY: Arthur J. Keane  
Attorneys for the Plaintiff

988  
RECORDED

Mrs. H. S. Jackson

Plaintiff

vs

Lee Robinson

Summons and Complaint

Aug 27 1946  
y of within Summons and

Lee Robinson

C. E. Garrett Sheriff

By H. F. Hall Deputy Sheriff

Filed Aug 23-1946  
R. H. Hall  
Clerk

BEEBE & HALL  
LAWYERS  
BAY MINETTE, ALABAMA

988