

957

W.E.GALLASPY,            I  
                          Plaintiff I  
                          vs            I  
JOHN PAUL GRAY,         I  
                          Defendant I

IN THE CIRCUIT COURT  
OF  
BALDWIN COUNTY  
ALABAMA  
AT LAW

Now comes the Defendant in the above said cause and for pleas to the complaint as therein filed, says as follows:

1. Not guilty.
2. The Defendant for further pleas says that the Plaintiff was guilty of contributory negligence, which was the proximate cause of his alleged injuries and damages, therefore, the Plaintiff was not entitled to recover in this cause.

Gordon Gordon

J. B. Blackburn  
ATTORNEYS FOR DEFENDANT

757 RECORDED  
PLEAS

W. H. GALLASPY  
Plaintiff

VS

JOHN PAUL GRAY  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Filed April 19 1946  
R. M. Bell  
Clerk

W. H. GALLASPY,

Plaintiff,

Vs.

JOHN PAUL GRAY,

Defendant.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY

ALABAMA.

AT LAW.

ANSWERS TO INTERROGATORIES.

Comes the Plaintiff in the above styled cause and for answer to Interrogatory No. 1 says as follows:

1. My names is William Henry Gallaspy. I am 64 years of age and at present I reside at Meridian, Mississippi. I was a resident of Bay Minette, Baldwin County, Alabama, at the time of the accident. I was hit alongside of Highway No. 51, about 2 miles South of Bay Minette, Alabama, in front of what is known as the old CCC Camp.

For Answer to Interrogatory No. 2, the Plaintiff says as follows:

2. We had been going in a Northerly direction, toward Bay Minette, Alabama. I was on the ground at the time I was hit. I had just gotten out of an automobile, which had pulled over to the East side of the road, the driver's right hand side of the road as we were headed toward Bay Minette, and was completely off the paved surface of the road. Just as I alighted from the car on the right hand side--the side away from the highway, Mr. Gray came along at high speed and knocked me down. He was completely off the highway.

For Answer to Interrogatory No. 3, the Plaintiff says as follows:

3. The fact that Mr. Gray drove his car completely off the paved portion of the highway and hit me, on the right hand side of an automobile which was off the paved portion of the highway. I did not step out right in front of Mr. Gray's car, but when I first saw him he was about 20 or 25 feet from me, and looked as though he had just whipped from behind the car in which I had been

riding. Due to the fact that I was hit almost immediately after alighting from the automobile in which I had been riding, I am not able to state the exact location of the automobile, but I know that it was to the right of the pavement when it one is headed toward Bay Minette.

For answer to Interrogatory No. 4, the Plaintiff says as follows:

4. I was treated by a physician. It was about 30 minutes after I was hit before he got there. I do not recall what the Dr.'s charges were for treating me, but think it was about \$15.00. The rib which was fractured was the ninth rib on the right side. However, several of the ribs on the left side, about the middle, were badly strained and gave me lots of trouble.

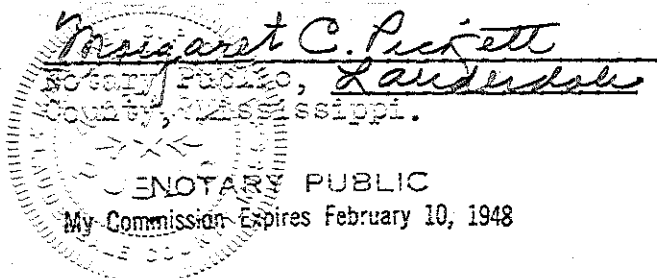
William H. Gallaspy

STATE OF Miss  
COUNTY OF Lauderdale

Before me, Margaret C. Pickett, a Notary Public in and for said County in said State, personally appeared W. H. GALLASPY, who is known to me, and who, being by me first duly and legally sworn, says: That the foregoing answers to interrogatories, numbered 1 through 4, are true according to his knowledge, information and belief.

William H. Gallaspy

Subscribed and sworn to before me on this the 13 day of July, 1946.



NO. 957

RECORDED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

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W. H. GALLASPY,

Plaintiff,

Vs.

JOHN PAUL GRAY,

Defendant.

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ANSWERS TO INTERROGATORIES.

*Filed July 17-1916*  
*R. H. [Signature]*  
*[Signature]*

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TELFAIR J. MASHBURN

ATTORNEY AT LAW

Bay Minette, Alabama

W. H. GALLASPY,  
Plaintiff,

Vs.

JOHN PAUL GRAY,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

REPLICATION

Now comes the Plaintiff in the above said cause, by his attorney, Telfair J. Mashburn, Jr., and for replication to the pleas of the Defendant as therein filed, says as follows:

1. The Plaintiff joins issue on said pleas.

Telfair J. Mashburn, Jr.  
ATTORNEY FOR PLAINTIFF

NO. 957 RECORDED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

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W. H. GALLASPY,

Plaintiff,

Vs.

JOHN PAUL GRAY,

Defendant.

*Filed May 4, 1946*  
*R. H. Smith*  
*clerk*

REPLICATION

SUMMONS

THE STATE OF ALABAMA  
COUNTY OF BALDWIN

No. 952

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon JOHN PAUL GRAY to appear and plead, answer or demur, within thirty (30) days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against JOHN PAUL GRAY, Defendant, by W. H. GALLASPY, Plaintiff.

Witness my hand this 11th day of March, 1946.

W. H. Gallaspy  
CLERK

COMPLAINT

W. H. GALLASPY,  
Plaintiff,  
VS.  
JOHN PAUL GRAY,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

COUNT ONE

Plaintiff claims of the Defendant the sum of TWENTY-FIVE HUNDRED DOLLARS (\$2500.00) damages for that, heretofore, on, to-wit: April 20, 1945, the Defendant so negligently operated an automobile on and along a public highway in Baldwin County, Alabama, about two miles South of Bay Minette, Alabama, to-wit: U. S. Highway No. 31, that he ran the same into, over or against the person of the Plaintiff; and Plaintiff says that as a proximate consequence of the negligence of the Defendant as aforesaid Plaintiff sustained a severe fracture of the rib, a severe injury to his back, was otherwise bruised, hurt, made sick and sore, was caused to suffer great pain and mental anguish, to lose much time from his work, to incur great expense in and about the healing and treatment of said injuries, and has been permanently injured; all as a proximate consequence of the negligence of the Defendant as aforesaid; WHEREFORE, he sues.



COUNT TWO.

Plaintiff claims of the Defendant the sum of TWENTY-FIVE HUNDRED DOLLARS (\$2500.00) damages for that, Whereas, heretofore, on, to-wit: April 20, 1945, the Defendant so negligently operated an automobile upon and along side of U. S. Highway No. 31, a public Highway in Baldwin County, Alabama, about two miles South of Bay Minette, Alabama, to-wit: U. S. Highway No. 31, that he ran the same into, over or against the person of the Plaintiff; and Plaintiff says that as a proximate consequence of the negligence of the Defendant as aforesaid Plaintiff sustained a severe fracture of the rib, a severe injury to his back, was otherwise bruised, hurt, made sick and sore, was caused to suffer great pain and mental anguish, to lose much time from his work, to incur great expense in and about the healing and treatment of said injuries, and has been permanently injured; all as a proximate consequence of the negligence of the Defendant as aforesaid; WHEREFORE, he sues.

COUNT THREE.

Plaintiff claims of the Defendant the sum of TWENTY FIVE HUNDRED DOLLARS (\$2500.00) as damages for that, whereas, heretofore, on, to-wit: April 20, 1945, the Defendant/<sup>so</sup>wilfully and wantonly operated an automobile on or along side of a public highway in Baldwin County, Alabama, about two miles South of Bay Minette, Alabama, to-wit: U. S. Highway Number 31, that he willfully and wantonly ran the same into, over or against the Plaintiff; and Plaintiff says that as a proximate consequence of said wilful and wanton act on the part of the Defendant the Plaintiff sustained a severe fracture of the rib, a severe injury to his back, was made sick, sore, lame and disordered, to suffer great pain and mental anguish, was caused to lose much time from his work, to incur great expense in and about the healing and treatment of his injuries, and has been permanently injured; all as a proximate consequence of the wilful and wanton act of the defendant: WHEREFORE, he sues.

J. J. Mashburn, Jr.  
ATTORNEY FOR PLAINTIFF

Plaintiff demands a trial by jury.

J. J. Mashburn, Jr.

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NO. 957

RECORDED

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

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W. H. GALLASPY,  
Plaintiff;  
VS.  
*to* JOHN PAUL GRAY,  
Defendant.

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3-17

SUMMONS AND COMPLAINT.

*Telfair J. Mashburn 11-1946*  
*[Signature]*

TELFAIR J. MASHBURN  
ATTORNEY AT LAW  
Bay Minette, Alabama

*Def. Address*  
*1465 St. Stephens Road*  
*Mobile, Ala*

Received 17th Day of March 1946  
and on 18th Day of April 1946  
I served a Copy of the within Summons & Complaint  
on John Paul Gray  
by service on \_\_\_\_\_  
W. H. HOLLOMAN, Sheriff  
By M. Denatun D.S.  
Mobile Ala

W.H.GALLASPY,	I	IN THE CIRCUIT COURT
Plaintiff	I	OF
vs	I	BALDWIN COUNTY
JOHN PAUL GRAY,	I	ALABAMA
Defendant	I	AT LAW

~~Interrogatories propounded to the Plaintiff by~~  
the Defendant in the above said cause.

1. Please state your name, age and place of residence. Please state, as near as you can the exact location where the injuries alleged to have been suffered by you occurred.

2. Please state in what direction you were going at the time you were injured as averred in your Complaint. Please state whether or not you were in an automobile or on the ground at the time of the alleged injury. Please state if you were not on the ground, and that you had just gotten out of an automobile at the time of the alleged injury. Please state in full detail the exact circumstances touching your alleged injury, that is to say, what you were doing and what did the Defendant do which you allege that he so negligently did.

3. You stated that your alleged injury was the proximate consequences of negligence on the part of the Defendant, now will you please state exactly what facts you base the averrment of negligence on. Please state if you did not step out of a car at the time and place of the alleged injury right in front of the Defendant's on-coming automobile, and did not the Defendant swerve his car to the extreme right of the road in an effort to avoid striking you. How far was the Defendant's car from you when you first saw it, or knew of its approaching just prior to the time that you allege that you were struck by said car. Please state the exact location of the automobile out of which you had just gotten, if you have answered that you were in an automobile on the right hand side of the public road upon

which you were travvling.

4. Please state if you were treated by any physician for the alleged injury you claim to have suffered, and how soon after you were injured before he began the treatment and please state what his charges were for such treatment. You allege in your complaint that you suffered, "A severe fracture of the rib". Please state exactly what rib that was and on what side of your body and whether or not just one rib was fractured.

J. B. Blackwell  
Robert E. Gordon  
ATTORNEYS FOR DEFENDANT

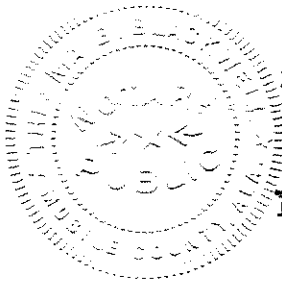
STATE OF ALABAMA I  
MOBILE COUNTY I

Personally appeared before me Helena B. Blackwell, a Notary Public, in and for said State and County, Robert E. Gordon who, being by me first duly and legally sworn says: That he is one of the attorneys of record in the above said cause and that the foregoing interrogatories, if well and truly answered, the answers will be material testimony for the Defendant in the trial of said cause.

Robert E. Gordon

Subscribed and sworn to before  
me this the 17th day of April, 1946.

Helena B. Blackwell  
Notary Public, Mobile County, Ala.



957 RECORDED

INTERROGATORIES

W. H. GALLASPY  
Plaintiff

VS

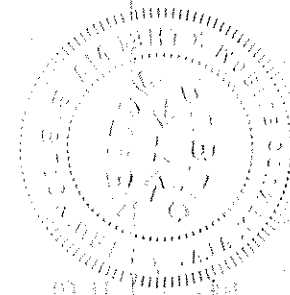
JOHN PAUL GRAY  
Defendant

Executed this the 20 day  
of April, 1946 by serving  
a copy of the within  
Interrogatories on  
T. J. Mashburn Jr,  
Attorney for the Plaintiff

*T. J. Mashburn Jr*  
Sheriff.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

*Filed April 19-1946*  
*R. H. [Signature]*  
*Reck*



*Executed at Mobile, Ala. 1946*  
*Witness my hand and seal of office*  
*this 19th day of April, 1946.*

*same place as before*

*1946*