

LAW OFFICES OF
HOWELL AND JOHNSTON
FIRST NATIONAL BANK ANNEX
P. O. BOX 1652
MOBILE 9, ALABAMA

THOMAS O. HOWELL, JR.
THOMAS A. JOHNSTON, III
ALICE LOUISE MANRY
IRVIN J. LANGFORD

January 28, 1953

1557

Mrs. Alice J. Duck, Clerk
Circuit Court of Baldwin County
Court House
Bay Minette, Alabama

Re: Sanford Jones
Vs: Thomas R. Wallace
No: 1557

Dear Mrs. Duck:

We would appreciate your dismissing the above styled cause pending in your court which we filed on behalf of the plaintiff.

With best wishes and kindest regards, we remain,

Very sincerely yours,

HOWELL & JOHNSTON

Alice L. Manry

Alice L. Manry

ALM:bh

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE
STATE OF ALABAMA:

~~You are hereby commanded to summon Thomas R.~~
Wallace 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 Sanford Jones.

Witness my hand, this 1st day of September,
1950.

Reid L. Smith
Clerk.

SANFORD JONES,

Plaintiff,

vs

~~THOMAS R. WALLACE,~~

Defendant.

*

*

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*

*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO.

COUNT ONE:

Plaintiff claims of the defendant the sum of Two Hundred Fifty and no/100 (\$250.00) Dollars as damages for that heretofore on, to-wit, the 19th day of August, 1950, the defendant so negligently operated the motor vehicle which he was then driving in an eastwardly direction on U. S. Highway 90 on or near the incline on said roadway commonly known and described as Spanish Fort Hill as to cause or permit the vehicle which he was then and there driving to collide with a motor vehicle owned by the plaintiff and being operated in an eastwardly direction at said time and place, and as a proximate consequence thereof, plaintiff's automobile was badly bent, broken and damaged to the injury of the plaintiff, hence this suit.

COUNT TWO:

Plaintiff claims of the defendant the additional sum of One Hundred Fifty and no/100 (\$150.00) Dollars as damages in this: that heretofore on, to-wit, the 19th day of August, 1950, plaintiff's motor vehicle was being operated eastwardly along U. S. Highway 90 near or on an incline known and designated as Spanish Fort Hill in Baldwin County, Alabama, and at said time and place the defendant was operating a motor vehicle, to-wit, a 1941 Oldsmobile along said Highway

carelessly and heedlessly in willful or wanton disregard of the rights and safety of others and with a knowledge that injury or damage to the plaintiff or his property might likely occur, and as a proximate consequence thereof the defendant willfully or wantonly caused or permitted the motor vehicle which he was operating to collide with or against the automobile of the plaintiff and proximately bent, broke and damaged the same, hence this suit.



ATTORNEYS FOR PLAINTIFF

Defendant's address:

Robertsdale, Alabama

Received in Sheriff's Office
this 7 day of Sept 1958
TAYLOR WILKINS, Sheriff

Robertsdale
NW 1557 RECORDED

Executed Sept, 13, 1958
By sending copy to
Thomas R. Wallace

Sanford Jones
vs
Thomas R. Wallace

Sheriff
Taylor Wilkins
By
Edwigh Steadham

Filed 9-7-58
Annie Luck
clerk

SANFORD JONES,	*	IN THE CIRCUIT COURT OF
Plaintiff,	*	BALDWIN COUNTY, ALABAMA.
vs	*	AT LAW. NO.
THOMAS R. WALLACE,	*	
Defendant.	*	

INTERROGATORIES TO BE PROPOUNDED TO THE DEFENDANT
BY THE PLAINTIFF

Comes now the plaintiff in the above styled cause, and propounds the following separate and several interrogatories to the defendant:

1. Please state your full name and residence address.
2. Please state whether you were the driver of an automobile which was involved in an accident with another vehicle on U. S. Highway 90 near the Spanish Fort hill between the eastern approach to Mobile Bay causeway and the intersection of U. S. Highways 31 and 90 on or about the 19th day of August, 1950.
3. If your answer to the preceding question is in the affirmative, please give the full name and address of the owner of the vehicle which you were driving. Please give the make, model and license registration number of that vehicle.
4. If your answer to question number Two is in the affirmative, please state in what direction the vehicle you were driving was traveling and the direction of travel of the vehicle with which you collided. Please give the make, model and driver of the automobile with which you collided.
5. Please state where you had been immediately preceding this accident and the names and addresses of the persons who were in the vehicle with you.
6. Please describe as fully as possible in your own words the manner in which the collision occurred.
7. Please state what part of the automobile you were driving was damaged in the collision. Please state, if you know,

what part of the automobile with which you collided was damaged in the accident.

8. Please describe the immediate roadway area in which the collision occurred, the weather conditions at the time of the accident, and the traffic conditions in the immediate area at that time.

9. Please state whether, to your knowledge, any law enforcement officers investigated the accident immediately after the accident and at the scene thereof. If so, please state their names and official capacities. Please state whether you had any conversation with them or with any other persons immediately after the accident concerning the manner in which the accident occurred or responsibility for the accident. If so, please give the names of the persons in the conversation and the subject matter thereof.

10. Please state whether, and if so, when and where, you agreed with the plaintiff that you would repair his automobile, or pay for the damages to his vehicle sustained in the accident.

Howell Johnston

ATTORNEYS FOR PLAINTIFF

STATE OF ALABAMA)

COUNTY OF MOBILE)

Personally appeared before me, the undersigned Notary Public in and for said County and State, Vernol R. Jansen, Jr., who after being by me first duly and legally sworn deposes and says that he is one of the attorneys for the plaintiff in the above entitled cause, and if the foregoing interrogatories are truthfully and correctly answered, that they will be material evidence for the plaintiff in the trial of said cause.

Vernol R. Jansen, Jr.

VERNOL R. JANSEN, JR.

Subscribed and sworn to before me this 15th day of August, 1951.

Marlene Schults

NOTARY PUBLIC, STATE OF ALABAMA AT LARGE.

RECORDED

16-5-7

FILED

AUG 16 1951

ALICE J. DICK, Clerk

SANFORD JONES

PLAINTIFF

VS

THOMAS R. WALLACE

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1557

Now comes the Defendant and for answer to interrogatories heretofore propounded in this case says:

1.

Thomas R. Wallace, Robertsdale, Alabama.

2.

Yes

3.

Thomas R. Wallace, Robertsdale, Alabama. Pontiac 1941. Dont remember license registration number.

4.

Both driving East. I believe it was a Ford 1949 model, driven by Sanford Jones.

5.

In Mobile, Henry Koler and Jerry Dobrovolny.

6.

Driver of Jones' car stopped suddenly without any warning.

7.

My car was damaged only slightly. Bent the bumper of the forward car only slightly, if at all.

8.

It was on paved road, It was raining at the time of the accident, and there was a long line of traffic ahead.

9.

The accident was investigated by a patrolman whose name I do not recall. I talked with the patrolman who after looking over the situation said that it was the fault of both of us, that the Plaintiff and myself. No arrests were made. The patrolman indicated that it was an unavoidable.

I did not agree that I would repair the Plaintiff's automobile, however, after having the damages to the Plaintiff automobile estimated and finding it to be \$102.00, I advised the Plaintiff that rather than lose time from my at Brookley Field and causing the other men with me to lose time, and having to employ an attorney, if the Plaintiff was agreeable I would pay one half the damages. I never did admit that I was in the wrong in causing the collision. My offer was only made in a friendly manner to save expenses. My offer to pay any amount of the damages was based upon whether or not the patrolman found that I was in the wrong. I was the one who suggested that a patrolman be called, and in fact I called the patrolman.

Thomas R. Wallace

STATE OF ALABAMA

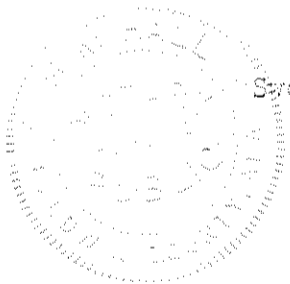
BALDWIN COUNTY

Personally appeared before me, the undersigned authority, in and for said County, in said State, Thomas R. Wallace, who is known to me and who having been by me first duly sworn, deposes and says: that the foregoing answers to interrogatories heretofore filed by the Plaintiff are substantially true.

Thomas R. Wallace

Sworn to and subscribed before me on this the 8 day of October, 1951.

Lucas
Notary Public, Baldwin County, Alabama



RECORDED

BERNARD JONES

PLAINTIFF

VS

THOMAS R. WALLACE

DEFENDANT

ORDER TO INTERROGATORIES

FILED

OCT 10 1951

ALICE J. DUCK, Clerk



SANTFORD JONES

PLAINTIFF

VS

THOMAS R. WALLACE

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1557

Now comes the Defendant and demurrers to the Plaintiff's complaint heretofore filed in this cause, and to each count thereof separately and severally, and for grounds thereof says:

1.

That said count does not state a cause of action.

2.

That said count alleges no negligence on the part of the Defendant.

3.

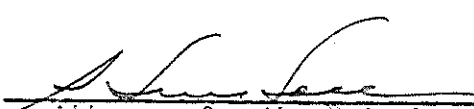
That said count alleges no duty owed by the Defendant to the Plaintiff.

4.


That said count charges no legal, willful or wanton conduct on the part of the Defendant.

5.

That said count charges the act rather than the injury as being willful or wanton.


Attorney for the Defendant

The Defendant demands a trial by jury.


Attorney for the Defendant

RECORDED

July

SANFORD JONES

PLAINTIFF

VS

THOMAS R. WALLACE

DEFENDANT

DEMURRERS.

FILED
OCT 7 1950
ALICE A. DUCK, Clerk