

1653

PATSY FAY BLACK,  
By: Thelma Black as her  
next friend,

Plaintiff,

vs.

DOROTHY WRIGHT and  
T. J. McCALL,

Defendants.

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

Comes the Defendant, Dorothy Wright in the above styled  
cause and for plea to the Complaint filed in said cause says:

1. Not guilty.

T. K. Jackson Jr.  
Attorneys for the Defendant,  
Dorothy Wright.

RECEIVED  
JAN 10 1964  
CLERK OF COURT  
BALDWIN COUNTY, ALABAMA  
FILED  
1653

PLEA

RECORDED

PATSY FAY BLACK,  
By: Thelma Black as her  
next friend,

Plaintiff,

vs.

DOROTHY WRIGHT AND T. J.  
McCALL,

Defendants.

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

Filed: May 9th, 1951.

Amel. Henick  
Clerk.

PATSY FAY BLACK,  
By: Thelma Black, as  
her next friend,

Plaintiff,

vs.

DOROTHY WRIGHT and  
T. J. McCALL,

Defendants.

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

Now comes Frank G. Horne, as Attorney for T. J. McCall  
in the above styled cause, and pleads:

1. Not guilty
2. That the allegations of the Complaint are untrue.

  
As Attorney for T. J. McCall.

RECORDED

PLEA

PATSY FAY BLACK  
By: Thelma Black as her  
next friend,

Plaintiff,

vs.

DOROTHY WRIGHT and  
T. J. McCALL,

Defendants.

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

Filed: May 17<sup>th</sup>, 1951

Wick J. Newman  
Clerk.

PATSY FAY BLACK,  
By: Thelma Black, as  
her next friend,

Plaintiff,

vs.

DOROTHY WRIGHT and  
T. J. McCALL,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

Now comes Frank G. Horne, as Attorney for T. J. McCall,  
and accepts service of a copy of the Summons and Complaint in the  
above styled cause and waives any and all other notice of the  
filing of the same.

  
As Attorney for T. J. McCall.

RECORDED

ACCEPTANCE OF SERVICE BY  
T. J. McCALL.

PATSY FAY BLACK  
By: Thelma Black, as her  
next friend.

Plaintiff,

vs.

DOROTHY WRIGHT and T. J.  
McCALL,

Defendants.

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

Filed: May 9th, 1951.

Archie. W. W. W.  
Clerk.

STATE OF ALABAMA     )  
                              )  
BALDWIN COUNTY        )

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Dorothy Wright and T. J. McCall, 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 same, then and there to answer the Complaint of Patsy Fay Black, by Thelma Black, as her next friend.

Witness my hand this 9<sup>th</sup> day of May, 1951.

*W. J. Vick*  
Clerk.

COMPLAINT:

PATSY FAY BLACK,  
By: Thelma Black, as  
her next friend,

Plaintiff,

vs.

DOROTHY WRIGHT and  
T. J. McCALL,

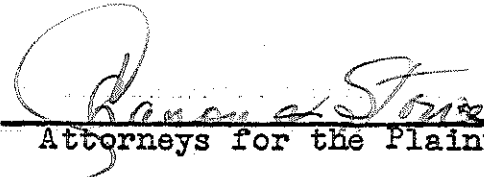
Defendants.

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

COUNT ONE:

The Plaintiff claims of the Defendants the sum of One Thousand Dollars (\$1,000.00) as damages, for that, whereas, on to-wit, April 16, 1951, at about 7:30 o'clock P. M., at a point on U. S. Highway #90 just East of a restaurant known as the Silver King in Baldwin County, Alabama, the Plaintiff, who is a minor child, seventeen months of age, was riding as a passenger in an automobile traveling West on U. S. Highway #90 at said time and place, which automobile was being driven by Charles Cooper, where she had a right to be and at said time and place, the Defendant, T. J. McCall, who was driving an automobile owned by the Defendant, Dorothy Wright, negligently drove said automobile into or against the automobile in which the Plaintiff was riding and as a proximate cause of the negligence of the Defendants the Plaintiff was injured in this, her collar bone was broken, one of her ankles was badly

injured and she was seriously bruised over her body, all to the damage of the Plaintiff in the sum aforementioned. The Plaintiff avers that at the time of the collision the Defendant, Dorothy Wright, who was the owner of the automobile driven by the Defendant, T. J. McCall, knowing that the said T. J. McCall was under the influence of intoxicating liquors and that he was wholly incompetent and unfit to drive said automobile and while she was present in said automobile at said time and place, negligently allowed the said T. J. McCall to drive said automobile on said occasion and while the said T. J. McCall was under the influence of such intoxicating liquors, he did so negligently operate the automobile belonging to the said Dorothy Wright as to cause it to run into or against the automobile in which the Plaintiff was riding and as the proximate cause of such negligence the Plaintiff was injured all to the damage of the Plaintiff in the sum aforementioned.

  
Attorneys for the Plaintiff.



SUMMONS AND COMPLAINT

PATSY FAY BLACK  
By: Thelma Black, as her  
next friend,

Plaintiff,

vs.

DOROTHY WRIGHT and T. J.  
McCALL,

Defendants.

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

Filed: May 9<sup>th</sup>, 1951.

Archie J. Black  
Clerk.

LAW OFFICES

~~THOMAS~~ CHASON & STONE

BAY MINETTE, ALABAMA

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

PATSY FAY BLACK, a Minor  
By Thelma Black, as her Next Friend  
Plaintiff

VS.

No. 1653

DOROTHY WRIGHT AND T. J. McCALL  
Defendants.

RICHARD BLACK, a Minor  
By Thelma Black, as his Next Friend,  
Plaintiff

VS.

No. 1654

DOROTHY WRIGHT AND T. J. McCALL,  
Defendants.

TESTIMONY TAKEN IN THE ABOVE STYLED CAUSES ON  
MAY 9, 1951 IN OPEN COURT

APPEARED:

For Minors

Messrs. Chason & Stone

For Defendants,

Mr. T. K. Jackson, Jr

Mr. Clifford O. Black, having been first duly and legally  
sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Chason

Q. What are your initials, Mr. Black?

A. C. O.

Q. Patsy Fay Black and Richard Black are your children?

A. Right.

Q. Their mother is Thelma Black?

A. Right.

Q. Now, Patsy Fay is a girl about seventeen months old?

A. Approximately, yes sir.

Q. What injuries did she receive in the wreck in front of the Silver  
King on the night of April 16, 1951?

A. Well sir, all I know is that bone and her ankle.

Q. She had a broken collar bone?

A. Yes sir.

Q. She had an ankle sprain and it was swollen?

A. Right.

Q. Dr. Little X-rayed her and reported no broken bones in her ankle?

A. As far as I know.

Q. You have been offered by the defendants Five Hundred Dollars in the settlement of that case. Is that agreeable to you and Thelma?

A. It is with me if it is with her.

Q. Now, Richard Black is also your son and Thelma's son?

A. That's right.

Q. He is a boy about three years old?

A. A little over three, he will be four in August.

Q. He was in the same wreck?

A. Yes sir.

Q. He received an injury on his forehead and cut behind his ear, did he not?

A. That's right.

Q. And you are agreeable to accepting Three Hundred Fifty Dollars (\$350.00) in settlement of that case?

A. I am.

THE COURT: They have no permanent injuries, they are completely recovered?

A. As far as I know. She's still got that band around for her collar bone.

Q. The doctor says she has no permanent injuries?

A. I don't know sir. I haven't been over there with her. I don't know, that last report, I wasn't with her, her mother carried her over there.

Mrs. Thelma Black, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Chason

Q. Mrs. Black, you have heard the questions and answers of your husband, are they substantially correct?

A. Yes sir.

Q. You carried Patsy Fay to Dr. Earle and had her collar bone set?

A. Yes sir.

Q. When are you to go back to Dr. Earle?

A. On the eighteenth.

Q. On the eighteenth of this month? Did he tell you at that time he thought he might be able to discharge her?

A. My mother carried her the last time, said to bring her back on the eighteenth, said to keep it on there for twenty-one days.

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I, Ora S. Nelson, Court Reporter in and for the Twenty-eighth Judicial Circuit, hereby certify that the above and foregoing is a true and correct copy of the evidence as taken on a hearing of said cause and transcribed by me.

This 9th day of May, 1951.

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Court Reporter

Q. You carried away Ray to Dr. Barlow and had her collar bone set?

A. Yes sir.

Q. When are you to go back to Dr. Barlow?

A. On the eighteenth.

Q. On the eighteenth of this month? Did he tell you at that time

he thought he might be able to discharge her?

A. My mother carried her the last time, said to bring her back on

the eighteenth, said to keep it on there for twenty-one days.

I, Ora S. Nelson, Court Reporter in and for the Twenty-eighth

Judicial Circuit, hereby certify that the above and foregoing is

a true and correct copy of the evidence as taken on a hearing of

said cause and transcribed by me.

This 9th day of May, 1921.

Court Reporter