STATE OF ALABAMA ) BALDWIN COUNTY ) IN THE CIRC

IN THE CIRCUIT COURT - LAW SIDE

1654,

Clerk.

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 Richard Black, by Thelma Black, as his next friend.

Witness my hand this <u>Men</u> day of May, 1951.

COMPLAINT: RICHARD BLACK, ł By: Thelma Black, as his next friend, Ò IN THE CIRCUIT COURT OF Plaintiff, Q BALDWIN COUNTY, ALABAMA . . . VS . ð LAW SIDE. DOROTHY WRIGHT and T. J. McCALL, Defendants.

#### 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, three years 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 he 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, he

received a severe blow on the head causing two cuts on his face which required several stitches and a cut behind his ear and he was badly bruised and lacerated, 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.

torneys for the Plaintiff.

RICHARD BLACK, By: Thelma Black, as his next friend, Q Q. IN THE CIRCUIT COURT OF Plaintiff, Į BALDWIN COUNTY, ALABAMA Ŏ vs. LAW SIDE. Ő DOROTHY WRIGHT and T. J. McCALL, Õ Defendants. õ 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. C 3 As Attorney for T. J. McCall. . .

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RICHARD BLACK, By: Thelma Black as his Ē next friend, Q IN THE CIRCUIT COURT OF Plaintiff, ð BALDWIN COUNTY, ALABAMA Q LAW SIDE. DOROTHY WRIGHT and ð T. J. McCALL, ð Defendants. Õ Comes the Defendant, Dorothy Wright in the above styled cause and for plea to the Complaint filed in said cause says: 1. Not Guilty. Attorneys Defendant, for the Dorothy Wright. eit es zonit auteur re AAAAA TTTTOT KEFNAM 20101010 93W 1000 1000 1000 lind Po (-----) A

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#### PLEA

RICHARD BLACK, By: Thelma Black as his next friend,

Plaintiff,

vs.

DOROTHY WRIGHT and T. J. McCALL,

Defendants.

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

Filed: May 2 1951. Auictine Clork.

RICHARD BLACK, By: Thelma Black, as his next friend, Õ IN THE CIRCUIT COURT OF Õ BALDWIN COUNTY, ALABAMA Plaintiff, ð LAW SIDE. vs. DOROTHY WRIGHT and T. J. McCALL, Defendants. 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. for As Attorney McCall J.



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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.

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

A. Right.

O. Their mother is Thelma Black?

A. Right.

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

A. Approximately, yes sir.

9. 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.

9. She had a broken collar bone?

A. Yes sir.

	-2
0.	She had an ankle sprain and it was swollen?
Α.	Right.
Ω.	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.
۵.	Now, Richard Black is also your son and Thelma's son?
Α.	That's right.
۵,	He is a boy about three years old?
Α.	A little over three, he will be four in August.
ດູ້	He was in the same wreck?
Α.	Yes sir.
<u>о</u> ,	He received an injury on his forehead and cut behind his ear, did
	he not?
Α.	That's right.
Ω.	And you are agreeable to accepting Three Hundred Fifty Dollars
	(\$350.00) in settlement of that case?
Α.	I am.
TH	E COURT: They have no permanent injuries, they are completely
•	recovered?
Α.	As far as I know. She's still got that band around for her
	collar bone.
Ω.	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
٥.	Mrs. Black, you have heard the questions and answers of your
	husband, are they substantially correct?
Α.	Yes sir.

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

A. Yes sir.

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

A. On the eighteenth.

- O. 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, 1951.

· Ora D. Nelson Court Reporter



# SUMMONS AND COMPLAINT RICHARD BLACK By: Thelma Black as his next friend, . ر. .... Plaintiff, DOROTHY WRIGHT and T. J. Defendants. IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA LAW SIDE. 1951. HEART, CHASON & STONE

HOBBARD H. BLACK, Õ Plaintiff, Q IN THE CIRCUIT COURT OF vs. Ş BALDWIN COUNTY, ALABAMA DOROTHY WRIGHT and T. J. McCALL, LAW SIDE. ā Defendants. Q 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. McCall. As Attorney for



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HOBBARD H. BLACK,

### Plaintiff,

vs.

DOROTHY WRIGHT and T. J. McCALL,

Defendants

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

Filed: May <u>J. 1951</u>. <u>Aucef. aluch</u> Clork.

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		LAW SIDE.		
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