

DOUGLAS STUART, a minor by his  
next friend Faye Nettles,

Plaintiff,

Vs.

Tolbert M. Brantley,  
as Administrator of the Estate of  
George Gebhart, deceased,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

AT LAW

NO. 1947

The plaintiff claims of the defendant the sum of \$25,000.00, damages, for that heretofore and on to-wit: the 18th day of March, 1952, the defendant's intestate, George Gebhart, while operating a motor vehicle on Highway number 89, a public highway or road in the County of Baldwin, State of Alabama, at or near Elberta, Alabama, did wilfully or wantonly injure Douglas Stuart, then and there a passenger in said motor vehicle, by wilfully or wantonly operating said motor vehicle at an excessive rate of speed on the wrong side of said highway and as a proximate result of said wilful or wanton conduct of the defendant's intestate, George Gebhart, the said Douglas Stuart was injured and damaged as follows: fracture of left arm in supra-condylar area with a permanent deformity in the region of the left elbow; numerous cuts about the face and body; bruises about the left arm, head and left side of his body; he was made sick and sore and was caused to endure both physical and mental pain and anguish; he incurred medical expenses, hospital expenses, doctors' bills in and about the care and treatment and cure of said injuries and drug bills in and about the care and treatment of said injuries, all to his damage in the sum aforesaid, hence this suit.

*Harold A. Downing & W. M. Clarke*  
Attorneys for the Plaintiff

1100 Van Antwerp Bldg  
Mobile, Ala.

*The Plaintiff demands a trial by jury.*

*Harold A. Downing*  
Atty. for Plaintiff

Handwritten notes on the left side of the page, including "The following is a list of the names of the persons who were present at the meeting held on March 17, 1953." and "The following is a list of the names of the persons who were present at the meeting held on March 17, 1953."

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FILED  
3-17-53  
ALICE J. DUCK, Clerk

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 1947

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Tolbert M. Brantley, as Administrator of the  
Estate of George Gebhart, deceased,

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Tolbert M. Brantley,  
as Administrator of the Estate of George Gebhart, deceased, Defendant.

by Douglas Stuart, a minor by his next friend Faye Nettles,

\_\_\_\_\_, Plaintiff.

Witness my hand this 17th day of March 1953

Reich - Clerk, Clerk

No. 1947

Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

DOUGLAS STUART, a minor by his next  
friend Faye Nettles,

Plaintiffs

vs.

TORBERT M. BRANTLEY, as Administrator  
of the Estate of George Gebhart,  
deceased,

Defendants

SUMMONS and COMPLAINT

Filed 3-17, 1953

W. C. H. Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

March 17, 1953

Taylor W. Shinn, Sheriff

I have executed this summons

this 3-18, 1953  
by leaving a copy with

Tolbert M. Brantley  
as Administrator  
of the Estate of  
George Gebhart  
deceased

Taylor W. Shinn, Sheriff  
H. F. Hall, Deputy Sheriff

MAURICE A. DOWNING

ATTORNEY AT LAW

529 First National Bank Building

Telephone 2-1218

MOBILE, ALABAMA

30 March 1954

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

Re: Douglas Stewart vs.  
J. Connor Owens, as  
Administrator of the Estate of  
George Gebhart, deceased

Dear Mrs. Duck:

This is to advise you that the amount of \$4,000.00  
which was the amount of judgment rendered in the above styled cause  
has been paid to my client, and to authorize you to cancel said  
judgment on your records.

Your cooperation in this matter will be greatly appre-  
ciated.

Yours very truly,

MAD/tmf

  
Maurice A. Downing

Place in  
Civil file  
no 1947

Stuart  
vs  
Brantley -

Fried  
3-30-54

DOUGLAS STUART, a minor by his  
next friend Faye Nettles,

Plaintiff,

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

Vs.

Tolbert M. Brantley,

as Administrator of the Estate of  
George Gebhart, deceased,

AT LAW

NO. 1947

Defendant.

The plaintiff claims of the defendant the sum of \$25,000.00, damages, for that heretofore and on to-wit: the 18th day of March, 1952, the defendant's intestate, George Gebhart, while operating a motor vehicle on Highway number 89, a public highway or road in the County of Baldwin, State of Alabama, at or near Elberta, Alabama, did wilfully or wantonly injure Douglas Stuart, then and there a passenger in said motor vehicle, by wilfully or wantonly operating said motor vehicle at an excessive rate of speed on the wrong side of said highway and as a proximate result of said wilful or wanton conduct of the defendant's intestate, George Gebhart, the said Douglas Stuart was injured and damaged as follows: fracture of left arm in supra-condylar area with a permanent deformity in the region of the left elbow; numerous cuts about the face and body; bruises about the left arm, head and left side of his body; he was made sick and sore and was caused to endure both physical and mental pain and anguish; he incurred medical expenses, hospital expenses, doctors' bills in and about the care and treatment and cure of said injuries and drug bills in and about the care and treatment of said injuries, all to his damage in the sum aforesaid, hence this suit.

*Maurice A. Downing & Wm M Clarke*  
Attorneys for the Plaintiff

*The Plaintiff demands a trial by jury.*

*Maurice A. Downing*  
*Atty for Plaintiff*

IN THE CIRCUIT COURT OF BIRMINGHAM

COUNTY, ALABAMA

AT LAW

NO. 1941

DOUGLAS STUART, a minor by his  
next friend, Lyle Stiles,

Plaintiff,

vs.

Robert M. Bradley,  
as Administrator of the Estate of  
George Gehardt, deceased,

Defendant.

The plaintiff claims that the defendant is the son of the deceased, Lyle Stiles, and that

heretofore and on to-wit: the 18th day of March, 1955, the defendant's intestate,  
George Gehardt, while operating a motor vehicle on Highway number 89, a public high-  
way or road in the County of Baldwin, State of Alabama, at or near Elinor, Alabama,  
illegally or wantonly injured Douglas Stuart, then and there a passenger in said  
motor vehicle, by willfully or wantonly operating said motor vehicle at an excessive  
rate of speed on the wrong side of said highway and as a proximate result of said  
illegal or wanton conduct of the defendant's intestate, George Gehardt, the said  
Douglas Stuart was injured and damaged as follows: fracture of left arm in upper  
cubital area with a permanent deformity in the region of the left elbow; numerous cuts  
about the face and body; bruises about the left arm, head and left side of his body; he  
was thrown from the car and was unable to walk for several days and was  
injured; he incurred medical expenses, hospital expenses, doctor's bills in and about the  
care and treatment and cure of said injuries and drug bills in and about the care and  
treatment of said injuries, all to his damage in the sum aforesaid, hence this suit.

19461

3-17-55

*James C. [Signature]*  
Attorney for the Plaintiff

*The Plaintiff demands a trial by jury.*  
*James C. [Signature]*  
*[Signature]*



ANSWER

DOUGLAS STUART, a minor by his  
next friend FAYE NETTLES,

Plaintiff,

VS.

TOLBERT M. BRANTLEY, as Administrator  
of the Estate of GEORGE GEBHART, dec-  
eased,

Defendant.


IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1947.

The Defendant for answer to the complaint saith that he is not  
guilty of the matters alleged therein.

  
Attorney for Defendant

RECORDED

ANSWER

DOUGLAS STUART, a minor by his next  
friend FAYE NETTLES,

Plaintiff,

VS.

TOLBERT M. BRANTLEY, as Administrator  
of the Estate of GEORGE GEBHART, dec-  
eased,

Defendant.

-----  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1947.

FILED

4-4-53

ALICE A. DUCK, Clerk

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: Mrs. W. C. Holmes

KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Dr. W. C. Holmes

as witnesses in behalf of Plaintiff in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

DOUGLAS STUART, a minor, by his next friend, FAYE NETTLES

and CECIL GERHART, sometimes known as CECIL GIBHART,

Plaintiff  
Complainant

Respondent

on oath, to be by you administered, upon Him

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 23rd day of December, 1953

Reed J. Smith  
Register- clerk

Commissioner's Fee, \$

Witness' Fees, \$

No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

Complainant—  
**vs.**

Defendant—

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER**

**WITNESSES:**

DOUGLAS STUART, a minor, by  
his next friend, FAYE NETTLES,

Plaintiff,

Vs.

CECIL GEBHART, sometimes known  
as CECIL GIBHART,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

AT LAW

NO. 1948

Comes your petitioner, Douglas Stuart, a minor, by his next friend, Faye Nettles, in the above styled cause, and desiring the testimony of Dr. W. C. Holmes, Foley, Baldwin County, Alabama, propounds the following depositions to Dr. W. C. Holmes, under the provisions of Section 457, Title 7, of the Code of Alabama 1940, the answers to which will be material evidence for the Plaintiff upon the trial of this cause:

1. What is your full name?. *W. C. Holmes*
2. What is your business or professional address?. *Physician & Surgeon*
3. What is your residence address?. *Foley Ala.*
4. What is your profession or trade?. *Physician & Surgeon*
5. If your answer to the above question is that you belong to the medical profession, please state whether you specialize in any particular branch of said profession, and if so, what is your specialty?. *Surgery & Obstetrics*
6. If you do belong to the medical profession, are you licensed to practice said profession in the State of Alabama?. *Yes*
7. How long have you practiced medicine in the State of Alabama?. *27 years*
8. Were you in active practice during the whole of 1952?. *Yes*
9. Did you attend Douglas Stuart in 1952?. *Yes*
10. If you state that you did attend Douglas Stuart in 1952, state on what date or dates you attended said Douglas Stuart. *From 3/18/52 through 4/17/52*
11. What was your original diagnosis of Douglas Stuart?. *Rock, acute - ② Dislocation of elbow (L) - ③ Fracture, comminuted, impacted, humerus distal portion of humerus (L)*
12. Did you give Douglas Stuart a physical examination?. *Yes*
  - (a) What were your findings?. *Same as in question 11*
  - (b) What treatment did you give Douglas Stuart for said ailment or injury?. *Sedatives for shock - Bed rest - Reduction & Splint applied*
13. If you state you did give treatment to said Douglas Stuart, where was said treatment given?. *Home Hospital - Foley Ala*
14. Was any part of Douglas Stuart's body X-Rayed?. *Yes*
  - (a) If so, what did said X-Ray disclose?. *Fracture, impacted, comminuted, distal portion of humerus (L)*

15. Was a plaster cast placed on any of Douglas Stuart's limbs?.

*Temporary Splint*  
(a) If so, when was said cast removed?.

*Transferred to Dr. W. C. Holmes 4/7/52*  
16. Did you examine Douglas Stuart again after said cast was removed?.

*No - was not seen after sent to Dr. Holmes*  
17. Was there any deformity in Douglas Stuart's left arm when you examined

him after said cast was removed?.

*Same not seen since 4/7/52*  
(a) If so, what was the extent of said deformity when you last examined

him?.

*was in temporary splint cast since seen*  
18. When was the last time that you attended Douglas Stuart?.

19. In your professional opinion as a doctor of medicine, did Douglas Stuart have a permanent disability or disfigurement the last time you saw him?.

*Not able to state as arm was treated by Dr. W. C. Holmes*

Maurice A. Downing

*Maurice A. Downing*  
Attorney of record for Douglas Stuart, a minor, by his next friend, Faye Nettles.

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority in and for said State and County, personally appeared Maurice A. Downing, who, being by me first duly sworn, deposes and says that he is the attorney of record for Douglas Stuart, a minor, by his next friend, Faye Nettles, in the above styled cause, and as such is qualified to make this affidavit: That Dr. W. C. Holmes is a practicing physician; that answers to the above and foregoing depositions by Dr. W. C. Holmes will be material evidence in the above styled cause.

*Maurice A. Downing*  
Maurice A. Downing

Subscribed and sworn to before me this, the

*21st* day of December 1953.

*Rachel L. Lister*  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

The name of Mrs. W. C. Holmes, Foley, Alabama, is suggested as a suitable person to be commissioner for the taking of these depositions.

Maurice A. Downing  
507 First National Bank Bldg.  
Mobile, Ala.

*Maurice A. Downing*  
Maurice A. Downing, attorney of record for Douglas Stuart, a minor, by his next friend, Faye Nettles

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DEC 23 1953  
ALICE A. OWEN, CLERK

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COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: Mrs. W. C. Holmes

KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Dr. W. C. Holmes

as witnesses in behalf of Plaintiff in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

DOUGLAS STUART, a minor, by his next friend, FAYE NETTLES,

and ~~Plaintiff~~  
~~Complainant~~  
TOLBERT M. BRANTLEY, As Administrator of the Estate of George Gebhart, deceased.

~~Defendant~~  
~~Respondent~~  
on oath, to be by you administered, upon Him to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 23rd day of December, 1953

*Register Clerk*  
Register Clerk

Commissioner's Fee, \$

Witness' Fees, \$



No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

**Complainant—**  
**vs.**

**Defendant—**

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER**

**WITNESSES:**

DOUGLAS STUART, a minor, by  
his next friend, FAYE NETTLES,

Plaintiff,

Vs.

TOLBERT M. BRANTLEY, as  
Administrator of the Estate of  
George Gebhart, deceased,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

AT LAW

NO. 1947

Comes your petitioner, Douglas Stuart, a minor, by his next friend, Faye Nettles, in the above styled cause, and desiring the testimony of Dr. W. C. Holmes, Foley, Baldwin County, Alabama, propounds the following depositions to Dr. W. C. Holmes, under the provisions of Section 457, Title 7, of the Code of Alabama 1940, the answers to which will be material evidence for the Plaintiff upon the trial of this cause:

1. What is your full name? *W C Holmes*

2. What is your business or professional address? *Physician and Surgeon*

3. What is your residence address? *Foley, Ala*

4. What is your profession or trade? *Physician and Surgeon*

5. If the answer to the above question is that you belong to the medical profession, please state whether you specialize in any particular branch of said profession, and if so, what is your specialty? *Surgeon and Obstetrician*

6. If you do belong to the medical profession, are you licensed to practice said profession in the State of Alabama? *Yes*

7. How long have you practiced medicine in the State of Alabama? *27 years*

8. Were you in active practice during the whole of 1952? *yes*

9. Did you attend Douglas Stuart in 1952? *yes*

10. If you state that you did attend Douglas Stuart in 1952, state on what date or dates you attended said Douglas Stuart. *From 3/18/52 through 4/7/52*

11. What was your original diagnosis of Douglas Stuart? *Shock, a laceration of the abdomen, compound fracture of the femur, laceration of the forearm, and laceration of the hand.*

12. Did you give Douglas Stuart a physical examination? *yes*

(a) What were your findings? *Same as in question 11*

(b) What treatment did you give Douglas Stuart for said ailment or injury? *Sedatives for shock - Red Red. Reduction of femur - X Ray*

13. If you state you did give treatment to said Douglas Stuart, where was said treatment given? *Foley Hospital Foley Ala*

14. Was any part of Douglas Stuart's body X-Rayed? *yes*

(a) If so, what did said X-Ray disclose?

*Fracture, unhealed, compound, distal portion of femur (L)*

15. Was a plaster cast placed on any of Douglas Stuart's limbs?

*Temporary Aluminum Splint*  
(a) If so, when was said cast removed?

*Transferred to Dr W.A. Harmon 4/7/52*  
16. Did you examine Douglas Stuart again after said cast was removed?

*Yes*  
17. Was there any deformity in Douglas Stuart's left arm when you examined him after said cast was removed? *was in splint the last time seen*  
(a) If so, what was the extent of said deformity when you last

examined him? *4/7/52*

18. When was the last time you attended Douglas Stuart? *4/7/52*

19. In your professional opinion as a doctor of medicine, did Douglas Stuart have a permanent disability or disfigurement the last time you saw him?  
*not able to state as arm was treated by Dr W.A. Harmon*

Maurice A. Downing

*Maurice A. Downing*  
Attorney of record for Douglas Stuart,  
a minor, by his next friend, Faye  
Nettles.

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority in and for said State and County, personally appeared Maurice A. Downing, who, being by me first duly sworn, deposes and says that he is the attorney of record for Douglas Stuart, a minor, by his next friend, Faye Nettles, in the above styled cause, and as such is qualified to make this affidavit: That Dr. W. C. Holmes is a practicing physician; that answers to the above and foregoing depositions by Dr. W. C. Holmes will be material evidence in the above styled cause.

*Maurice A. Downing*  
Maurice A. Downing

Subscribed and sworn to before me this

the *21st* day of December 1953,

*Harold L. Latham*  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

The name of Mrs. W. C. Holmes, Foley, Alabama, is suggested as a suitable person to be commissioner for the taking of these depositions.

*Maurice A. Downing*  
Maurice A. Downing, attorney of record  
for Douglas Stuart, a minor, by his next  
friend, Faye Nettles.

Maurice A. Downing  
507 First National Bank Bldg.  
Mobile, Alabama.

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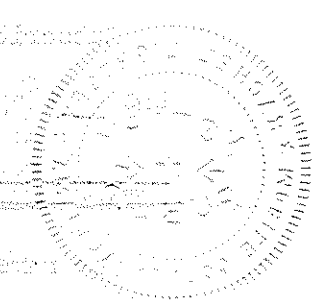
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9/25/44  
Approved  
[Signature]



DOUGLAS STUART, a minor, by his  
next friend, FAYE NETTLES,  
  
Plaintiff

Vs.

TOLBERT M. BRANTLEY, as  
Administrator of the Estate of  
George Gebhart, deceased.

Defendant

IN THE CIRCUIT COURT OF BALDWIN  
  
COUNTY, ALABAMA  
  
AT LAW

No. 1947

STATE OF ALABAMA

COUNTY OF MOBILE

Deposition of Dr. William C. Hannon, a witness sworn on the 19th day of January 1954, at Mobile, in said State and County, under and by virtue of a commission issued out of the Circuit Court of Baldwin County, Alabama, in a certain cause therein pending between Douglas Stuart, a minor, Plaintiff and Tolbert M. Brantley, as Administrator of the Estate of George Gebhart, deceased, Defendant. The said Dr. William C. Hannon being first duly sworn to speak the truth, the whole truth, and nothing but the truth, doth depose and say as follows:

To the first direct interrogatory, he saith: William Campbell Hannon.

To the second direct interrogatory, he saith: 1407 St. Stephens Road,  
Mobile, Alabama.

To the third direct interrogatory, he saith: 254 Levert Street, Mobile,  
Alabama.

To the fourth direct interrogatory, he saith: Orthopedic Surgeon.

To the fifth direct interrogatory, he saith: My practice is limited to  
Bone Surgery. It is a specialty. I devote my entire time to this specialty.

To the sixth direct interrogatory, he saith: Yes.

To the seventh direct interrogatory, he saith: Since October 1926.

To the eighth direct interrogatory, he saith: Yes.

To the ninth direct interrogatory, he saith: Yes.

To the tenth direct interrogatory, he saith: April 9, 1952. April 13, 1952 through April 15, 1952 at the Mobile Infirmary, Mobile, Alabama, and since then on July 21, 1952.

To the eleventh direct interrogatory, he saith: April 9, 1952.

To the twelfth direct interrogatory, he saith: Fracture, humerus, left, at its lower or supracondylar area, with mal-position.

To the thirteenth direct interrogatory, he saith: Yes, in fact he was given several physical examinations and I may summarize under the one that was last submitted to Mr. William I. Valentine of the Hartford Accident & Indemnity Company, P. O. Box 445, Pensacola, Florida. It stated that this boy was admitted to the Mobile Infirmary April 13, 1952 at which time manipulation under anesthesia was done. His left elbow was kept in extension and the patient was discharged from the Mobile Infirmary on April 15, 1952 and the cast was removed on May 1, 1952. He was seen again on July 21, 1952 at which time he presented considerable residual deformity. The left elbow has complete extension but only about 35 degrees flexion. There is complete supination and pronation or ability to rotate the forearm inwards and outwards. There is no evidence of any injury to the nerves of the extremity. Xray disclosed the fragments in or about the same position and in addition to this there is considerable bone proliferation or what, in order words, is bone overgrowth. I also stated and felt at that time that, in my opinion, this patient's condition may be improved only by open operation and even this would leave some residuum to the extremity. He has considerable disability of his left elbow.

To the fourteenth direct interrogatory, he saith: No open operation was performed. An attempt was made to reduce the distal or lower fragment of the upper arm bone or humerus at the elbow joint. Manipulation was done at the Mobile Infirmary on April 14, 1952 by what we call the closed method and a cast was applied at this time. This was followed by xray study and evaluation.

To the fifteenth direct interrogatory, he saith: This treatment was given at the Mobile Infirmary, as above mentioned.

To the sixteenth direct interrogatory, he saith: Yes, and it disclosed that the distal fragment or the lower fragment of the humerus or upper arm bone was displaced forward.

To the seventeenth direct interrogatory, he saith: Yes. The cast was removed on May 1, 1952 and an elastic bandage was applied and the patient instructed to take physical therapy at his home, by heat, massage, active and passive motion, etc., and requested to return June 5, 1952.

To the eighteenth direct interrogatory, he saith: Yes, but not until July 21, 1952 as he failed to keep his appointment of June 5, 1952. At that time he had complete extension of the elbow, left, but flexion only to 35 or 40 degrees. There was full rotation of the forearm.

To the nineteenth direct interrogatory, he saith: Yes. Inability to flex the elbow and some fullness in the region of the elbow, left. The extent of the deformity was as follows: Some enlargement at the left elbow; inability to flex the elbow beyond 35 or 40 degrees.

To the twentieth direct interrogatory, he saith: This patient definitely does have some permanent partial disability of his upper extremity left. On my last examination, July 21, 1952 there was considerable loss of function in the elbow, at least 30 to 35 per cent. I have not seen him since the above date and do not know the condition of his arm at this time. An xray was made on July 21, 1952 which disclosed there had been some very definite improvement in position of the distal fragment but there were some changes at the olecranon or that portion of the ulna or bone of the forearm on the little finger side that fits into the elbow and really is the true hinge joint. By studying this xray one would think that considerable was accomplished by manipulation of April 14, 1952 but the patient does have considerable deformity and disability as mentioned above.

I, the undersigned Commissioner, in said Commission named, hereby certify that I am personally acquainted with the said witness, Dr. William C. Hannon, and

know him to be the identical person named in said commission, that he was sworn and examined as above stated, and that his evidence was taken down as near as might be in his own language, and was subscribed by him in my presence on this, the 19th day of January, 1954, at the place above stated; and that I am not of kin, nor of counsel to any of the parties nor in any way interested in the result of the suit.

Dorothy Macreadie  
Commissioner



1947

FILED

JAN 20 1954

ALICE J. BUCK, Clerk

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: Dorothy Macreadie,  
1407 St. Stephens Road,  
Mobile, Alabama

KNOW YE: that we, having full faith in your prudence and competency, have appointed you  
Commissioner, and by these presents do authorize you, at such time and place as you may appoint,  
to call before you and examine Dr. W. C. Hannon

as witnesses in behalf of Plaintiff in a cause pending in our  
Circuit Court in Baldwin County, of said State, wherein  
Douglas Stewart, a minor, by his next friend, Fay Nettles

Plaintiff  
Complainant  
and Tolbert M. Brantley, as Administrator of the Estate of  
George Gebhart

Defendant  
Respondent  
on oath, to be by you administered, upon him  
to take and certify the deposition of the witness and return the same to our Court, with all  
convenient speed, under your hand.

Witness 21st day of December, 195 3.

Deirdre J. Hannon  
Register.

Commissioner's Fee, \$ 12.50

Witness' Fees, \$ \_\_\_\_\_

No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

**Complainant—**  
**vs.**

**Defendant—**

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER**

**WITNESSES:**

DOUGLAS STUART, a minor, by  
his next friend, FAYE NETTLES,

Plaintiff,

Vs.

TOLBERT M. BRANTLEY, as  
Administrator of the Estate of  
George Gebhart, deceased.

Defendant.

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

AT LAW

NO. 1947

Comes your petitioner, Douglas Stuart, a minor, by his next friend, Faye Nettles, in the above styled cause, and desiring the testimony of Dr. W. C. Hannon, 1407 St. Stephens Road, Mobile, Mobile County, Alabama, propounds the following depositions to Dr. W. C. Hannon, under the provisions of Section 457, Title 7, of the Code of Alabama, 1940, the answers to which will be material evidence for the Plaintiff upon the trial of this cause:

1. What is your full name?.
2. What is your business address?.
3. What is your residence address?.
4. What is your trade or profession?.
5. If your answer to the above question is that you belong to the medical profession, please state whether you specialize in any particular branch of said profession, and if so, what is your specialty?.
6. If you do belong to the medical profession, are you licensed to practice said profession in the State of Alabama?.
7. How long have you practiced your particular specialty in the medical profession?.
8. Were you in active practice of your specialty during the whole of 1952?.
9. Did you attend Douglas Stuart in 1952?.
10. If you did attend Douglas Stuart in 1952, state on what date or dates you attended Douglas Stuart.
11. If you state you did attend Douglas Stuart in 1952, what was the first date that you attended said Douglas Stuart?.
12. What was your diagnosis of Douglas Stuart?.
13. Did you give Douglas Stuart a physical examination?.

14. What treatment did you give Douglas Stuart for said ailment or injury?.
15. Was this treatment given at your office or some hospital or clinic?.
16. Was Douglas Stuart X-Rayed?.
- (a) If so, what did said X-Ray disclose?.
17. Did you place a plaster cast on Douglas Stuart's left arm?.
- (a) If so, when was said cast removed?.
18. Did you examine Douglas Stuart again after said cast was removed?.
19. Was there any deformity in Douglas Stuart's left arm when you examined him after said cast was removed?.
- (a) If so, what was the extent of said deformity?.
20. In your professional opinion does Douglas Stuart have a permanent physical disability or disfigurement?.

Maurice A. Downing

*Maurice A. Downing*  
Attorney of record for Douglas Stuart,  
a minor, by his next friend Faye  
Nettles

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority in and for said State and County, personally appeared Maurice A. Downing, who, being by me first duly sworn, deposes and says that he is the attorney of record for Douglas Stuart, a minor, by his next friend, Faye Nettles, in the above styled cause, and as such is qualified to make this affidavit: That Dr. W. C. Hannon is a practicing physician; that the answers to the above and foregoing depositions by Dr. W. C. Hannon will be material evidence in the above styled cause.

*Maurice A. Downing*  
Maurice A. Downing

Subscribed and sworn to before me, this the

19 day of December 1953.

*H. Joan Allen*  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

The name of Dorothy Macreadie, 1407 St. Stephens Road, Mobile, Alabama, is suggested as a suitable person to be commissioner for the taking of these depositions.

Maurice A. Downing  
507 First National Bank Bldg.  
Mobile, Alabama.

*Maurice A. Downing*  
Maurice A. Downing, attorney of  
record for Douglas Stuart, a minor,  
by his next friend, Faye Nettles.

STATE OF ALABAMA,  
CONECUH COUNTY.

Deposition of Claud J. Lindsey, a witness sworn and examined on behalf of the Plaintiff by virtue of the annexed commission, issued out of the Circuit Court at Law for Baldwin County and State of Alabama, in a cause therein pending, to perpetuate the testimony of the said Claud J. Lindsey wherein Douglas Stuart, a minor by his next friend, Fay Nettles, Plaintiff, vs. Tolbert M. Brantley as the administrator of the estate of George Gebhart is Defendant. The said Claud J. Lindsey being sworn to speak the truth, the whole truth, and nothing but the truth, doth depose as follows:

To interrogatory 1, he saith.

My name is Claud J. Lindsey.

To interrogatory 2, he saith.

My address is P. O. Box 301, Evergreen, Alabama.

To interrogatory 3, he saith.

My address on March 18, 1952 was Robertsedale, Alabama.

To interrogatory 4, he saith.

I am now in the Armed Forces of the United States of America.

To interrogatory 5, he saith.

I am a member of the Air Force of the United States.

To interrogatory 6, he saith.

I am not stationed at any place. I will report to Parks Air Base, California, on the 9th of February, 1954, and will from there go to foreign service in Korea.

To interrogatory 7, he saith.

I was a passenger in an automobile driven by George Gebhart in March, 1952, which automobile was involved in an accident in Baldwin County, Alabama.

- (a) The accident occurred on March 18, 1952.
- (b) We were driving West from Pensacola, Florida to Foley, Alabama and said accident occurred just East of the Town of Elberta in Baldwin County, Alabama.

To interrogatory 8, he saith.

I was injured in said accident.

To interrogatory 9, he saith.

George Gebhart was driving the automobile at the time the accident occurred on March 18, 1952.

To interrogatory 10, he saith.

I do not know George Gebhart's exact age but in my judgment and opinion he was about 19 years of age.

To interrogatory 11, he saith.

I do not know of my own knowledge who owned the automobile, but my information is that it belonged to his father.

(a) Cecil Gebhart was the owner of the automobile.

To interrogatory 12, he saith.

The automobile was a 1951 Model Chevrolet.

To interrogatory 13, he saith.

At the time of the accident George Gebhart was driving the automobile about 86 miles per hour.

(a) George Gebhart at a speed of about 86 miles per hour drove from the time we left Pensacola until the accident occurred.

To interrogatory 14, he saith.

Besides George Gebhart and myself the following named were passengers in said automobile at the time of the accident: Douglas Stuart, James Jones now Jane Rutledge, Bettie Jean Evans.

To interrogatory 15, he saith.

Douglas Stuart was a passenger in the rear seat of the automobile at the time the accident occurred.

To interrogatory 16, he saith.

As we proceeded along the highway the car which George Gebhart was driving over took another car going West in the same direction as we were, and George Gebhart attempted to pass said car and pulled over to the left side of the road and was in the act of passing the car when as he started down a hill he met another car coming in the opposite direction or going East and he did not have time to pass the car which he was attempting to pass and get back on the right hand side of the road, and to avoid a collision with the car traveling East he pulled his car off the pavement onto the shoulder of the road on the left hand side and struck a ~~concrete~~ concrete post and Culvert leading from the highway to a private home.

To interrogatory 17, he saith.

George Gebhart was driving the automobile at an excessive rate of speed at the time of accident

(a) Prior to the accident I had a number of times asked George Gebhart to slow down as he was driving too fast.

(b) Yes, I did complain to George Gebhart ~~that~~ about the excessive rate of speed.

To interrogatory 18, he saith.

The automobile was traveling West upon the Highway near Elberta at the time of accident.

To interrogatory 19, he saith.

I do not know exactly how wide the highway was at the point where the accident occurred, but it was a regular two lane highway.

(a) No, there is room only on said highway for two lanes of traffic.

To interrogatory 20, he saith.

At the time of the accident George Gebhart was driving on the left of the center line of said highway facing in the direction in which we were traveling at the time of accident.

(a) Yes, there was oncoming traffic facing us at the time of said accident.

To interrogatory 21, he saith.

No, the automobile in which we were riding did not collide with another vehicle.

To interrogatory 22, he saith.

Yes, the automobile in which we were riding and which was driven by George Gebhart collided with another object that, a concrete post and culvert at the intersections of a private driveway from the highway to a residence.

(a) The object with which the car collided was on the left hand side of the highway.

To interrogatory 23, he saith.

Yes, Jane Rutledge and Bettie Jean Evans were injured in said accident.

To interrogatory 24, he saith.

Yes, Douglas Stuart was injured in said accident.

To interrogatory 25, he saith.

No, I was not present at the time George Gebhart was given permission to use said automobile.

(a) I do not know who gave him permission to use said automobile.

Claude F. Lindsey



I, Clarence Ward, the Commissioner named in the annexed Commission, hereby certify that the foregoing evidence, from page 1 to page 3, inclusive, of Claud J. Lindsey, the witness, was taken down by me, as near as may be, in the language of the witness Claud J. Lindsey, and correctly and audibly read over to him and by him subscribed in my presence at Evergreen, Alabama, on the 25th day of January, 1954, at a time and place appointed by me for the taking of said deposition. I further certify that I have personal knowledge of the personal identity of said witness Claud J. Lindsey, and that I am not of counsel or of kin to any of the parties to the cause or in any manner interested in the result thereof.

GIVEN UNDER MY HAND AND SEAL, this 25th day of January, 1954.

Clarence Ward (SEAL)  
Commissioner.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: Clarence Ward

Evergreen, Alabama

KNOW YE: that we, having full faith in your prudence and competency, have appointed you  
Commissioner, and by these presents do authorize you, at such time and place as you may appoint,  
to call before you and examine Claude J. Lindsey

as witnesses in behalf of Plaintiff in a cause pending in our  
Circuit Court in Baldwin County, of said State, wherein  
Douglas Stuart, a minor by his next friend, Faye Nettles

Complainant  
and Tolbert M. Brantley, as Administrator of the estate of George Gebhart  
deceased

Respondent  
on oath, to be by you administered, upon him  
to take and certify the deposition of the witness and return the same to our Court, with all  
convenient speed, under your hand.

Witness 11th day of January, 1954

*W. J. Hensche*

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

**vs.**  
**Complainant—**

**Defendant—**

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER**

**WITNESSES:**

DOUGLAS STUART, a minor, by  
his next friend, FAYE NETTLES,

Plaintiff,

Vs.

TOLBERT M. BRANTLEY, as Administrator of  
the Estate of GEORGE GEBHART, deceased,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

AT LAW

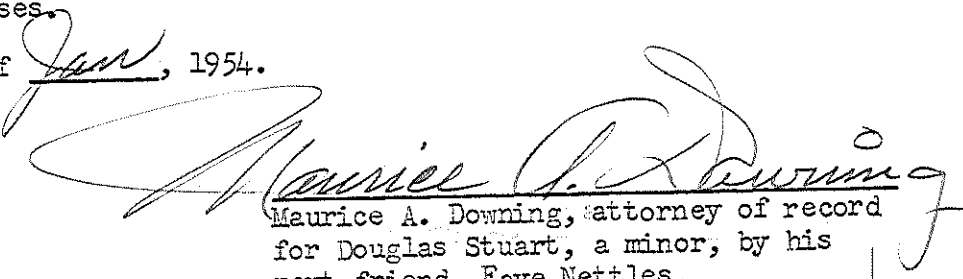
NO. 1947

Now comes Douglas Stuart, a minor, by his next friend, Faye Nettles, Plaintiff in the above styled cause and in support of her application to perpetuate the testimony of Claude J. Lindsey, a witness in this cause, makes and files this affidavit before the Clerk of this Honorable Court pursuant to the laws and rules governing this procedure and particularly pursuant to Section 499, et seq., of Title 7 of the Code of Alabama 1940, as amended, stating that the applicant, Douglas Stuart, a minor, by his next friend Faye Nettles, is a party to this suit which is pending in this Court; that the testimony of Claude J. Lindsey, who at the time of the filing of this suit was a resident of Baldwin County, Alabama, and who is now residing temporarily at Evergreen, Alabama, and is a member of the Armed Forces of the United States and is at the present time on leave from the Armed Forces, pending his removal to parts unknown outside of the Continental limits of the United States and the jurisdiction of this Court, is necessary to the prosecution of this suit by the Plaintiff. Plaintiff files with this affidavit interrogatories to be propounded by this applicant to the said witness.

WHEREFORE, applicant prays that the testimony of said witness be taken and perpetuated under the laws and rules governing such cases and that a Commissioner be provided for such purpose and that due notice of the filing of this application and the said interrogatories and of the residence of the said witness and of the Commissioner to be appointed be given to the opposing party in this proceeding, in the manner required by law, and that a commission accompanied by a copy of any court interrogatories and abutting interrogatories, if propounded, be issued to take the deposition of said witness, and that the said Commissioner take and certify such depositions or interrogatories and return same to this court in all respects as provided by law.

This affidavit is made by the applicant by and through Maurice A. Downing,  
her attorney of record in this case, who has knowledge of the facts and is  
fully authorized in the premises.

Done this, the 9th day of Jan, 1954.

  
Maurice A. Downing, attorney of record  
for Douglas Stuart, a minor, by his  
next friend, Faye Nettles.


STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority in and for said State and County, personally  
appeared Maurice A. Downing, known to me to be the attorney of record for Douglas  
Stuart, a minor, by his next friend, Faye Nettles, the Plaintiff in the above  
entitled cause, who, being by me first duly sworn to speak the truth, on oath  
deposes and says that the facts stated in the foregoing affidavit are true and  
that he executed the same for and on behalf of the Plaintiff.

  
Maurice A. Downing

Subscribed and sworn to before me on this the  
9th day of Jan, 1954.

  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA,

DOUGLAS STUART, a minor, by  
his next friend, FAYE NETTLES,

Plaintiff,

Vs.

TOLBERT M. BRANTLEY, as Administrator  
of the Estate of GEORGE GEBHART, deceased,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

AT LAW

NO. 1947

Comes the Plaintiff, Douglas Stuart, a minor, by his next friend, Faye Nettles, and for the purpose of perpetuating the testimony of Claude J. Lindsey, a resident of Evergreen, Alabama, a witness in this cause, propounds the following interrogatories to the said witness:

1. What is your name?.
2. What is your address?.
3. What was your address on 18 March 1952?.
4. Are you in the Armed Forces of the United States?.
5. What branch of service are you now in?.
6. Where are you now stationed, if anywhere?.

7. Were you a passenger in an automobile driven by George Gebhart in March 1952, which was involved in an accident in Baldwin County?.

(a) If your answer to the above question is in the affirmative, please state what date said accident occurred.

(b) If your answer is in the affirmative, please state in what direction you were traveling and where said accident occurred?

8. If your answer to question 7 was in the affirmative, please state whether you were injured in said accident.

9. Was George Gebhart driving said automobile at the time of said accident?.

10. How old was George Gebhart, if you know?.

11. Do you know who owned said automobile?.

(a) If you state you do know who owned the automobile, please state the name of the owner.

12. What was the make and model of said automobile?.

13. At the time of said accident, how fast was George Gebhart driving?.

(a) How long had he been driving at said speed?.

14. Who else besides yourself and George Gebhart were passengers in said automobile?.

15. Was Douglas Stuart a passenger in the front seat of said automobile, or was he a passenger in the rear seat?.

16. Please relate exactly what happened at the time of said accident and immediately prior thereto,

17. Was George Gebhart driving said automobile at an excessive rate of speed?.

(a) If your answer is in the affirmative, please state what you did to have said speed reduced, if anything.

(b) Did you complain to George Gebhart about the excessive rate of speed?.

18. In which direction was said automobile traveling at the time of said accident?.

19. How wide is the highway at the point where said accident occurred?.

(a) Is there room for more than two lines of traffic?.

20. At the time of said accident, was George Gebhart driving on the left or the right of the center line of said highway, facing in the direction in which you were traveling at the time of said accident?.

(a) If your answer is that he was on the left side of the center line of said highway, please state whether or not there was any oncoming traffic facing you at the time of said accident.

21. Did the vehicle in which you were riding collide with another vehicle?.

22. Did the vehicle in which you were riding and which was driven by George Gebhart, collide with any other object?.

(a) On which side of the road was said object located?.

23. Was Jane Rutledge or Betty Jean Evans injured in said accident?.

24. Do you know if Douglas Stuart was injured in said accident?.

25. Were you present at the time George Gebhart was given permission to use said automobile?.

(a) If your answer to the foregoing question is in the affirmative, please state who gave him permission.

  
Attorney for Plaintiff

The name of Clarence Ward, Evergreen, Alabama, is suggested as a suitable person to take the depositions of this witness.

  
Attorney for Plaintiff

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