

E. G. RICKARBY

392 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA 36532

February 1, 1965

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

6326

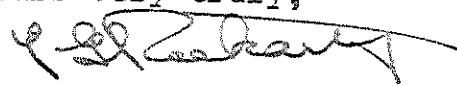
Dear Mrs. Duck:

Inre: Dewey Bethea
Vs: Nathan McQuirter
Our File: 64-216

Enclosed find pleas in the above mentioned case.

Please process and oblige. Am this day mailing copy to
John.

Yours very truly,



EGR/jlb
Encl.
cc: Mr. John Duck

DEWEY BETHEA,

Plaintiff,

VS.

NATHAN McQUIRTER,
and C. DAVIS,

Defendants.

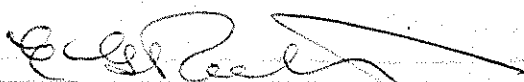
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

CASE NO. _____

DEMURRER

Comes the Defendant in the above styled cause and offers the following separate and several demurrers to the Plaintiff's Complaint and each and every Count thereof, because said Complaint shows that said accident took place outside of the jurisdiction of this Court; because the Complaint is vague, indefinite, and uncertain in its allegations as to damages sustained; because said Complaint shows that the injuries complained of took place in Mobile, County, Alabama.



Attorney for the Defendant,
Nathan McQuirter.

E. G. RICKARBY

392 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA 36532

November 23, 1964

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Inre: Dewey Bethea
Vs: Nathan McQuirter & C. Davis
Our File: 64-216

Enclosed find demurrers in the above mentioned case which was filed in Mobile County and which has been ordered transferred to you.

Please process and oblige. A carbon copy of this demurrer has been mailed to William H. Card, Jr., Attorney for the Plaintiff, First National Bank Annex, Mobile, Alabama.

Yours very truly,



EGR/jlb
Encl.
12-17-64
cc: Mr. Card

JOHN V. DUCK
RICHARD C. LACEY

DUCK & LACEY
Attorneys at Law
FAIRHOPE, ALABAMA

319 MAGNOLIA AVENUE
P. O. BOX 296
TELEPHONE 928-2191

January 26, 1965

Mrs. Alice J. Duck
P. O. Box 239
Bay Minette, Alabama

Re: Bethea vs. McQuriteroy & Davis

Dear Mrs. Duck:

We enclose herewith Amended Bill of Complaint for filing.

Please send a copy to Honorable E. G. Rickarby, Fairhope, Alabama, and etner the firm name of Duck & Lacey as Attorneys for Plaintiff in this cause.

Sincerely,


John V. Duck

JVD:lh
Encls.

DEWEY BETHEA,
Plaintiff,
VS.


NATHAN McQUIRTER,
and C. DAVIS,
Defendants.

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

CASE NO. _____

DEMURRER

Comes the Defendant in the above styled cause and offers the following separate and several demurrers to the Plaintiff's Complaint and each and every Count thereof, because said Complaint shows that said accident took place outside of the jurisdiction of this Court; because the Complaint is vague, indefinite, and uncertain in its allegations as to damages sustained; because said Complaint shows that the injuries complained of took place in Mobile, County, Alabama.



Attorney for the Defendant,
Nathan McQuirter.

FILED
NOV 1964

ALICE L. DUCK, CLERK
REGISTER

DEWEY BETHEA,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
NATHAN McQURITEROY and)	
C. DAVIS,)	
Defendants.)	

Comes now the Plaintiff in the above styled cause, and amends the Bill of Complaint filed herein to read as follows:

The Plaintiff claims of the Defendant the sum of ONE THOUSAND DOLLARS (\$1,000.00) as damages, for that heretofore and on, to-wit: the 5th day of November, 1963, Plaintiff's commercial truck, used in Plaintiff's business as a commercial vehicle, was being operated on or along U. S. Highway #90 at or near the Tensaw River Bridge, said U. S. Highway #90 at said time and place being then and there a public highway in Baldwin County, Alabama, that at said time and place the Defendant, NATHAN McQURITEROY, by and through his agent, servant or employee, the Defendant, C. DAVIS, who at said time and place was acting in the line and scope of his employment as such agent, servant, or employee, did so negligently operate a motor vehicle as to cause or allow the same to collide with the Plaintiff's said commercial truck, and as a proximate result and natural consequence thereof, the Plaintiff's said truck was badly bent, broken, crushed, and otherwise damaged, all as a result of the negligence of the Defendant as aforesaid.

Plaintiff further avers and alleges that as a result of said negligence as aforesaid, Plaintiff's said commercial truck was caused to be broken down and Plaintiff was caused to lose the price and the use and hire of said commercial vehicle for a long period of time, all to the damage of the Plaintiff as aforesaid, hence this suit.


ATTORNEY FOR PLAINTIFF

FILED

1-28-63

MADE L. DUCK, CLERK
REGISTER

DEWEY BETHEA,

Plaintiff,

VS.

NATHAN McQUIRTER,

Defendant.

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

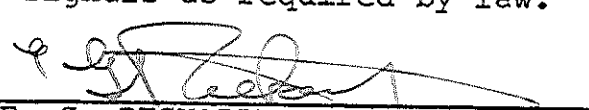
Comes the Defendant, NATHAN McQUIRTER, and for
answer pleads:

1.

Not Guilty.

2.

The Plaintiff was himself guilty of contributory
negligence which proximately contributed to the injuries
and damage complained of in that Plaintiff, or his servant
or agent, was driving said truck at a high rate of speed at
the time and place stated in the Complaint, and did suddenly
stop said truck without giving signals as required by law.


E. G. RICKARBY,
Attorney for Nathan McQuirter,
Defendant.

FILED

FEB 8 1963

ALICE L. DICKSON, CLERK
REGISTER

CASE NO. 13401

Non-Jury

Non-Jury

3-1964

al as such Clerk of said Court at Mobile, Mobile

J. H. Mandeville, Clerk.

#1 - COMPLAINT AND SUMMONS AND SHERIFF'S RETURN OF SERVICE THEREON

DEWEY BETHEA,

Plaintiff

VS.

NATHAN McQURITEROY,
AND C. DAVIS,

Defendants

:: IN THE CIRCUIT COURT OF

:: MOBILE COUNTY, ALABAMA

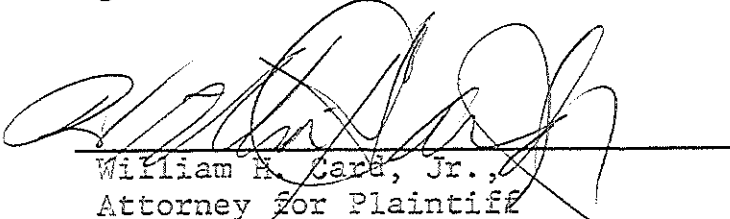
:: AT LAW

:: CASE NO. 13401

COUNT ONE

The Plaintiff claims of the Defendant the sum of to-wit, ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS for that heretofore and on to-wit, the 5th day of November, 1963, Plaintiff's commercial truck, used in Plaintiff's business as a commercial vehicle, was being operated on or along U. S. Highway #90 at or near the Tensaw River Bridge, said U. S. Highway #90 at said time and place being then and there a public highway in the County of Mobile, Alabama, that at said time and place the Defendant, Nathan McQuriteroy, by and through his agent, servant, or employee, the Defendant, C. Davis, who at said time and place was acting in the line and scope of his employment as such agent, servant, or employee, did so negligently operate a motor vehicle as to cause or allow the same to collide with the Plaintiff's said commercial truck, and as a proximate result and natural consequence thereof, the Plaintiff's said truck was badly bent, broken, crushed, and otherwise damaged, all to the damages of the Plaintiff.

Plaintiff further avers and alleges that as a result of said negligence as aforesaid, Plaintiff's said commercial truck was caused to be broken down and Plaintiff was caused to lose the price of the use and hire of said commercial vehicle for a long period of time, all to the damages of the Plaintiff hence this suit.


William H. Card, Jr.,
Attorney for Plaintiff

Both Defendants reside at
Route 1, Box 78
Daphne, Alabama

*Filed July 24, 1964
John C. Mandersall, Clerk*

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

NATHAN McQURITEROY AND C. DAVIS

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama, at the place of holding the same, then and there to answer the complaint of

DEWEY BETHEA

WITNESS: John E. Mandeville, Clerk of said Court, this 24th day of July, 1964

Attest:

John E. Mandeville

Clerk

SHERIFF'S RETURN

Received day of , 19 and on Day
of , 19 , I served a copy of
the within on

by service on

RAY D. BRIDGES, SHERIFF

By D.S.

Received 27th day of July 1964
and on 30th day of July 1964
I served a copy of the within on Nathan McQuiteroy
and C. Davis
By service on _____

TAYLOR WILKINS Sheriff

By And Subpoena
Belmont
BY TAYLOR WILKINS SHERIFF

Sheriff claims 100 miles at
Ten Cents per mile Total \$ 10.00
TAYLOR WILKINS, Sheriff
BY Subpoena
DEPUTY SHERIFF

RECEIVED
JUL 24 1964
SHERIFF'S OFFICE

mail

No. 13401-E

JUDGE _____ DOCKET
CIVIL DIVISION
CIRCUIT COURT
MOBILE COUNTY

DEWEY BETHEA

VS. } Complaint and Summons

NATHAN McQUITEROY AND
C. DAVIS

Issued 24th day of July 19 64

Defendant's Address
Route 1, Box 78
Daphne, Alabama

WILLIAM H. CARD, JR.
Plaintiff's Attorney

DEWEY BETHEA,

)

IN T. CIRCUIT COURT OF

Plaintiff

)

MOBILE COUNTY, ALABAMA

VS.

)

NATHAN McQUINTEROY AND
C. DAVIS,

)

AT LAW

)

Defendants

CASE NO. 13401INTERROGATORIES TO DEFENDANT

Comes the Plaintiff in the above styled cause, and desiring the testimony of the Defendants, propounds the following interrogatories to be answered separately and severally in the manner and form provided by law, viz:

1. (a) State your correct name, age, residence address and business address.

(b) Is your name correctly stated in the complaint on file in this cause?

(c) If you state that your name is not correctly stated, then state the correct way that you could be designated as a party Plaintiff or a party Defendant in an action at law:

(1) At the time that the accident which is made the basis of this suit occurred;

(2) At the time that you answer these interrogatories.

(d) When and where did said accident occur, giving date and hour?

2. (a) State whether you are a person, firm, or corporation.

(b) If you state that you are a partnership, then state the name of each and every member or partner composing said partnership, and the name under which the partnership does business.

(c) If you state that you are a corporation, state on what date you were incorporated and at what place.

3. (a) Describe completely and in detail the vehicle occupied or owned by you or of which you were in charge on the occasion of the accident made the basis of this suit, stating in your answer the make, model, year, and body style of same.

(b) State the name and address of the owner of said motor vehicle on the date of the accident.

(c) State the name and address of the driver of said vehicle on said occasion.

(d) Describe completely and in detail every item of damage sustained by said vehicle.

(e) Give the amount of each repair estimate obtained on said damage and give the name and address of the person making said repair estimate.

(f) State whether or not any of said damage was repaired, and, if so, give the amount of the repair bill and the name and address of the person, firm, or corporation who made said repairs.

(g) Describe the condition of the brakes, stoplights, turn indicator or other signal device, steering apparatus, tires, and lighting equipment on said motor vehicle at and immediately prior to the time of the accident made the basis of this suit; state whether they were in proper working order and if they were used at the time of the accident.

(h) When had the brakes, signal device, steering apparatus, lights, and tires on said motor vehicle last been inspected prior to said accident and by whom?

4. (a) If you have stated that the owner of the vehicle which collided with the vehicle in which Plaintiff was riding was not the driver on the occasion of said accident, explain fully and in detail the presence of the driver in said vehicle.

(b) State who was the employer of the driver of the vehicle which collided with the vehicle in which Plaintiff was riding at the

- of said accident.
- (c) State on whose business or behalf said driver was acting at the time of said accident.
 - (d) State the hours of work which said driver had at the time of said accident.
5. (a) State the number of persons occupying the motor vehicle which collided with the vehicle in which Plaintiff was riding and state specifically how and in what manner each of said occupants were located in said vehicle on said occasion.
- (b) Was the trip a personal or business trip for you or the driver of your car?
 - (c) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.
 - (d) From what point had you departed?
 - (e) What was your destination?
 - (f) Were you performing a mission, errand, or duty for anybody whatsoever? If so, state the nature of same and the name and address of the person for whom you were performing it.
 - (g) Give the name and address of each and every person or firm who had any interest whatsoever in the trip that was being made by the driver of the vehicle which collided with the Plaintiff on the occasion of said accident, and state the nature of said interest and the connection of said person or firm with the trip.
 - (h) Where did you go and what did you do immediately after the accident occurred?
6. Prepare and attach to your answers to these interrogatories a map portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit and designate on said map the following:
- (a) The point of impact and skid marks leading up to and from same;
 - (b) The resting place of the vehicles after the accident;
 - (c) Where you were located when you first saw the Plaintiff's vehicle;
 - (d) Where the Plaintiff's vehicle was located when first seen by you;
 - (e) The placement of any other vehicles or physical objects which had anything to do with said accident.
7. (a) State whether or not the accident made the basis of this suit occurred at an intersection of streets or avenues, and if so, then state:
- (1) At what intersection of streets or avenues said accident occurred;
 - (2) Whether any buildings or objects were located within any of the four corners of the intersection which would obscure the vision of any person approaching the intersection;
 - (3) State how far you, in your judgement, could see to the left and right of each of the streets when you approached from a point of fifty feet from said intersection.
- (b) Describe the locus of said accident with reference to the contour of the land, the grade or curve of the road, highway or intersection, and any physical structures located within two hundred feet of the place of the accident:
 - (c) Were there any obstructions to your view? Describe in detail.
 - (d) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signs, signals or controls faced, and state the color of the control light facing your vehicle and that facing Plaintiff's vehicle as you entered the area controlled by said signal.
 - (e) Did your vehicle stop at the traffic signal or sign prior to the accident?
8. (a) State where the motor vehicle in which Plaintiff was riding was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.
- (b) Did you see the motor vehicle in which Plaintiff was riding before the actual collision.

(c) How many feet was the motor vehicle in which Plaintiff was riding from the place of the impact when you first observed same?

(d) How many feet were you from the point of impact when you first observed the vehicle in which Plaintiff was riding?

(e) Where did the impact occur with reference to the center line of the street on which the vehicle in which Plaintiff was traveling?

(f) Where did the impact occur with reference to the right edge of the street on which your vehicle was traveling?

9. (a) State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the events that occurred leading up to same as seen by you.

(b) Describe each and everything which the driver of the vehicle in which Plaintiff was riding failed to do to avoid said accident.

(c) Describe each and everything done by the driver of the vehicle in which Plaintiff was riding which contributed to the cause of said accident.

(d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.

(e) Describe each negligent act or omission of the driver of the vehicle in which Plaintiff was riding on said occasion.

10. (a) State whether or not any of the occupants in any of the vehicles involved in the accident made the basis of this suit were intoxicated or drinking intoxicating beverages at the time of the said accident.

(b) Give the name and address of each of said persons who were drinking or who were intoxicated.

(c) State what each of said persons was drinking, where he or she had obtained same, the quantity or amount consumed, and the time and place where same was drunk.

(d) Had you consumed any alcoholic beverages within the last 24 hours stating when, where, and what and how much you drank?

11. State, according to your best judgment the speed of the vehicle in which Plaintiff was riding at the following points:

(a) When you first observed same prior to the accident made the basis of this suit;

(b) At a point 300 feet from the place where the impact occurred;

(c) At a point 200 feet from the place where the impact occurred;

(d) At a point 100 feet from the place where the impact occurred;

(e) At a point 50 feet from the place where the impact occurred;

(f) At a point 25 feet from the place where the impact occurred;

(g) At a point 10 feet from the place where the impact occurred;

(h) At the point of impact;

(i) Immediately after the impact;

12. (a) State in what direction and along what street or avenue each of the motor vehicle involved in the accident made the basis of this suit was traveling on the occasion of said accident.

(b) State in your best judgment, in number of feet, the width of each of said streets or avenues or highways.

(c) If either of the vehicles involved in the accident made the basis of this suit was engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same, and with reference to the center line of the street, avenue or highway on which said motor vehicle had been traveling prior to said turn.

13. (a) State fully, specifically and in detail each and every act or thing done by the operator of the vehicle owned or occupied by you at the time of the accident made the basis of this suit during the last 100 feet of said vehicle's approach to the point of said collision, stating in your answer the chronological order in which said operator did each of said acts or things.

(b) Describe each change in the course of travel made by the vehicle in which Plaintiff was riding immediately prior to said accident.

- (c) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident made the basis of this suit.
14. (a) State whether or not the brakes on the vehicle occupied by you or owned by you at the time of the accident sued on were applied prior to the collision.
- (b) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied.
- (c) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred.
- (d) State in your best judgment the distance in number of feet said came to a stop after the occurrence of the accident made the basis of this suit.
15. (a) State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other, stating which part of the several vehicles came into contact with which part of the others.
- (b) Describe the portions which next came in contact after the initial impact.
16. (a) State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to a stop immediately thereafter.
- (b) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop?
- (c) Describe each and every skid mark which led up to the point of collision.
- (d) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.
- (e) Locate the point where each motor vehicle came to rest with reference to the point of impact, the center of the intersection, the four corners of same and the right edge of the street on which it had been traveling.
17. State the speed of the motor vehicle which you owned or occupied or were in charge of according to your best judgment, at the following points:
- (a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit;
- (b) When you were 200 feet from the point of impact;
- (c) When you were 100 feet from the point of impact;
- (d) When you were 50 feet from the point of impact;
- (e) When you were 25 feet from the point of impact;
- (f) When you were 10 feet from the point of impact;
- (g) At the time of said impact;
- (h) When you first observed the other vehicle involved in said accident.
18. (a) State whether any horn or other signal was given as a warning by the operator of any of the vehicles involved in the accident made the basis of this suit prior to the time of the collision.
- (b) If so, describe each of said signals given by each respective driver specifically and in detail.
- (c) State how far distant from the point of collision each vehicle was located at the time said signal was given.
- (d) If any signals forstopping or turning were given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact said signal was given by each driver respectively.
19. (a) State whether or not there was any other vehicles or pedestrians at or near the scene of the accident at the time of and immediately prior to the occurrence of same.
- (b) If so, state the number of such other vehicles and pedestrians and

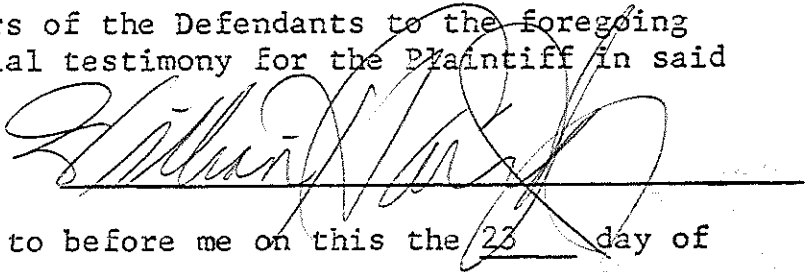
- where they were located with reference to the point of the accident at the moment same occurred.
- (c) State whether or not any of the other vehicles or pedestrians located at or near the scene of the accident played any part, or contributed in any manner, to cause the collision made the basis of this suit.
 - (d) Give the name and address of each driver or owner of each of said vehicles and said pedestrians.
20. (a) Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same?
- (b) If so, state when, where, and what was said by you.
 - (c) Did the operator of the vehicle in which Plaintiff was riding make any statement in your presence following the occurrence of the accident, and if so, state when, where, and what was said by said driver.
 - (d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.
 - (e) Give the name and address of each and every person who was present when any statements were made either by you or the driver of the vehicle in which Plaintiff was riding following the occurrence of the accident made the basis of this suit.
21. Did the driver of your vehicle possess a currently valid drivers license at the time of the accident?
22. Did the said drivers license have any restrictions thereon?
If so, please list them.
23. On and shortly prior to the date of the accident, did the driver of the vehicle colliding with Plaintiff or the vehicle in which Plaintiff was riding:
- (a) Normally wear glasses?
 - (b) Did said driver have his glasses on at the time of the accident?
 - (c) Was the said driver's eyesight 20/20 or normal? If not, please explain.
 - (d) Did the vision of said driver in anyway contribute to, cause, or affect the collision or accident? How?
24. Describe the condition of visibility as to darkness, etc. at the time of the accident.
25. Describe the weather conditions at the time of the accident.
26. (a) Describe the condition of the surface of the road, as to type of pavement, smooth or rough, etc.
- (b) Was the road wet or dry?
27. Please state what damage you observed to the vehicle in which Plaintiff was riding, stating where the damage was and its extent.
28. Please state in detail the condition of Plaintiff as you observed it immediately prior to the accident, at the time, of the accident and immediately after the accident.
29. How far was your vehicle from the Plaintiff when you first applied your brakes?
30. Did your brakes take hold immediately?
31. How hard did you apply your brakes?
32. In approximately how many feet will your vehicle stop with a full application of the brakes traveling at the speed you were going at the time of the accident?
33. Please state the names and addresses of all persons who have furnished statements, signed or unsigned to you, your representative, or attorney or adjuster, or any other person in regard to this accident.
34. Describe the position that and where your automobile was in relation to the center line of the road when you first knew that you had hit the vehicle the Plaintiff was riding in.
35. State how many automobile accidents you have been involved in giving the time, date, and description of each.
36. Have you recently reviewed any signed statements you have made in regard to this accident? If so, when, where, and in the presence of whom?

37. Have you said anything in a signed statement that has not been covered in answering these interrogatories? If so, what?
38. Have you ever been in the armed service?
39. If so, what type of discharge did you receive from the armed forces?
40. State the name and last known address of the eye-witness or anyone who knows something about the occurrence of the accident.
41. Are any of these witnesses personally acquainted with you, and if so, in what way and for how long?
42. Do you suffer from night-blindness?
43. Attach a copy of your written statement to your adjuster or investigator you made concerning this accident to the answers to these interrogatories.
44. If you have not already answered, what remarks were made by the Plaintiff at the scene of the accident and to whom were they made?
45. Was there any debris on the highway, if so, describe it and show where it was by making a diagram. (Attach same to answer)
46. On what part of the road did the impact take place?
47. Did any of the vehicles in the accident have their lights on at the time of the accident?
48. Where did each vehicle come to rest after the accident with reference to the point of impact?
49. State in detail the exact position of your vehicle on your position when you first observed the other vehicle in this accident, and state your distance from it in feet.
50. State in detail the exact amount of artificial lighting at the scene of the accident at the time the accident occurred.
51. Please state in your own words the facts and circumstances of this accident, giving who was involved, how it happened, what caused the accident and the results.
52. Did the driver of your vehicle suffer from any physical defects or illnesses such as poor vision, deafness, muteness, seizures, paralysis or other, stating in detail.
53. Had you taken any medicines, drugs, narcotics, or tranquilizers within the last 24 hours prior to the accident, if so, designate and explain.
54. Was the radio in your car playing at the time of the accident?
55. (a) Were your windows open or closed at the time of the accident?
(b) Was the air conditioning unit in your car in operation at the time of the accident?
56. (a) How far had the driver of your car driven on the day of the accident?
(b) How much rest had he had in the preceeding 24 hours?
57. (a) Was the driver of your car charged with a traffic violation or any criminal charge growing out of this accident?
(b) How did said driver plead in the charge made against you?
(c) What was the decision or order made by the court on said charge or case?
58. (a) Were pictures made of the accident or any of the persons or vehicles involved, if so, by whom?
(b) Do you or your insurance company or attorney have such pictures?
59. If the defendant answering these interrogatories is a corporation, please:
 1. State the name of the person answering the interrogatories and his position with the Defendant.
 2. Please state the names of each person in the employ of the Defendant who has personal knowledge of the facts inquired about, and his address and position with the company, and who has furnished what information upon which these answers are based and prepared.

STATE OF ALABAMA)
COUNTY OF MOBILE)

Personally appeared before me, Alice Hicks Andrews, the undersigned authority, William H. Card, Jr., who being by me first duly sworn, deposes and says:

That he is the attorney of record for the Plaintiff in the above styled cause, and as such is authorized to make this affidavit for the Plaintiff, and that the answers of the Defendants to the foregoing interrogatories will be material testimony for the Plaintiff in said cause.



Subscribed and sworn to before me on this the 23 day of July, 1964.

Filed July 24, 1964
John C. Mandaville, Clerk

Alice Hicks Andrews
Notary Public, Mobile County, Alabama

**STATE OF ALABAMA,
MOBILE COUNTY**

CIRCUIT COURT, MOBILE COUNTY

DEWEY BETHEA Plaintiff,

VS.

NATHAN McQUINTEROY AND C. DAVIS Defendant,

TO NAHTAN McQUIBTEROY AND C. DAVIS

GREETINGS:

Please take notice, That in the foregoing stated cause pending in our Circuit Court of Mobile County, interrogatories to be propounded to DEFENDANTS

(a copy of which herewith issues,) witness in behalf of the said PLAINTIFF

_____ have been this day filed in my office;

~~which said interrogatories will remain on file as aforesaid ten days after service of this Notice upon you during which time you can file cross interrogatories, you think proper.~~

Witness, JOHN E. MANDEVILLE, Clerk of said Court, this 24th day of July 19 64

ATTEST

John E. Granderville Clerk.

Mail

No. 13401-E

Judge

Docket

**CIRCUIT COURT
OF MOBILE COUNTY**

DEWEY BETHEA

**VS. } NOTICE OF
INTERROGATORIES FILED**

NATHAN McQURITEROY AND
C. DAVIS

Issued 24th day of July 19 64

SERVE COPY ON:

Nathan McQuriteroy
C. Davis
Route 1, Box 78
Daphne, Alabama

Received 27 day of July 19 64

and on 30th day of July 19 64

I send out a copy of the within

on Nathan McQuriteroy

By service

TAYLOR WILKINS, Sheriff

By David Herbert D. S.

Belfmont

Sheriff claims 100 miles at
Ten Cents per mile Total \$ 10.00
TAYLOR WILKINS, Sheriff
BY David Herbert
DEPUTY SHERIFF

RECEIVED

JUL 24 1964

SHERIFF'S OFFICE

#3 - PLEA IN ABATEMENT

DEWEY BETHEA,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
VS.	I	
NATHAN McQUIRTER AND	I	MOBILE COUNTY, ALABAMA
C. DAVIS,	I	AT LAW
Defendants.	I	CASE NO. <u>13401-Cru</u>
	I	

PLEA IN ABATEMENT

Comes the Defendant, NATHAN McQUIRTER, and shows to the Court that this cause should be abated for the following grounds, namely:

FIRST: That this cause of action is a suit for damages arising out of an accident which took place in Baldwin County, Alabama, and that;

SECOND: Both of the Defendants were at the time of the accident permanent residents of Baldwin County, Alabama, and have continued to be residents of Baldwin County, Alabama, to the present date.


E. G. RICKABY, Attorney for Defendants.

STATE OF ALABAMA,
BALDWIN COUNTY.


Before me, the undersigned Notary Public, personally appeared NATHAN McQUIRTER, who being duly sworn deposes and says that the facts alleged to the foregoing Plea of Abatement are true.

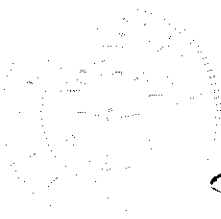
with



Nathan McQuirter
Affiant

Subscribed and sworn to before me this the 22 day of August, 1964.


Notary Public
Baldwin County


Filed August 26, 1964
John E. Mandeville, Clerk
copy: Wm. H. Card, Jr.

WEDNESDAY, NOVEMBER 18, 1964

DEWEY BETHEA		)	PLEA IN ABATEMENT HAVING
		)	BEEN CONFESSED BY ATTORNEY
ERVIN	-vs-	)	FOR PLAINTIFF, THE SAME IS
13401		)	HEREBY SUSTAINED, AND CASE
		)	ORDERED TRANSFERRED TO THE
NATHAN McQURITEROY & C. DAVIS		)	CIRCUIT COURT OF BALDWIN
		)	COUNTY, ALABAMA

This day in open Court came the parties by their attorneys, and plaintiff confessing the defendants' Plea in Abatement in this cause; It is ordered and adjudged by the Court that said Plea in Abatement be, and the same is hereby sustained, and case ordered transferred to the Circuit Court of Baldwin County, Alabama.

It is further ordered and adjudged by the Court that the defendants go hence without day, and have and recover of the plaintiff all court costs in this cause created, for the recovery of which, let execution issue.

Minute Book 30

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CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 13401

Dewey Bethea

Plaintiff

Nathan McQuintery and C. Davis

Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957
Appvd. Sept. 20, 1957)
(Amend Sec. 21, Title 11, Code Ala. 1940)

BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES

Pltff.

Deft.

Suits for \$100 or less	\$ 6.00		
Suits for over \$100 but less than \$1,000	10.00		
Suits for \$1,000 and over	20.00	20.00	
Suits in detinue, ejectment, etc.	10.00		
Suits not otherwise provided	10.00		
Writs, Mandamus, Prohibition, etc.	15.00		
Appeals from Court General Sessions	15.00		
Appeals from Probate Court	20.00		
Appeals from JP Courts	6.00		
Appeals from State Dept of Pub. Safety, and other State Agencies	10.00		
Workmen's Compensation Settle.	10.00		
Garnishment on Judgment	6.00		
Order of Sale, Motions to sell.	6.00		
Recording executions from State Agencies	3.00		
Cert. Copy of Record - per 100 words	.15	80	
Taking Appeal Bond	.75		
Record for Supreme Court etc., per 100 words	.15		
Add'l Copies of Record for Supreme Court, per 100 words	.05		
Checking - including Reporters Transcript of Evidence	10.00		
Certifying Abstract in lieu of Transcript on Appeal	5.00		
Collecting Money on Judgments over 30 days old, 1/2 the percentage allowed Sheriffs	\$		
	\$		
Total	\$	20.80	

SHERIFF'S FEES

Pltff.

Deft.

Serving Summons & Complaint	2-\$ 1.50	13.00	
Serving Writ of Garnishment	1.50		
Serving Sci Fa. Notices	2- 1.50	13.00	
Levying Attachment & Return	6.25		
Executing Writ Possession	5.00		
Seizing personal property under Writ of Detinue	6.00		
Serving subpoenas, each	.75		
Impanelling Jury	.75		
Taking & Approving Bond	2.00		
Collecting Costs Execution	1.50		
Serving Contempt Writ	1.50		
Making Deed for Property sold	2.50		
Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3%	\$		
	\$		
Total	\$	26.00	

RECAPITULATION

Clerk		20.80	
Sheriff Taylor Wilkins - \$26.00 Baldwin County		26.00	
Inferior Civil Court			
Justice Peace fees			
Witness fees			
Commissioner's fees			
Certificate of Judgment			
Judgment			
10% Damages			
Interest			
Stenographer's fees (\$10.00 Day)			
Library fee	1.50	1.50	
Trial Tax (County)	1.50	1.50	
Trial Tax (State)	1.50	1.50	
Advertisement			
Garnishee's fees			

51.30

I respectfully beg to advise that if this bill for costs is not paid before 19____, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk