

MARION RUSHTON
CHARLES A. STAKELY
WATKINS C. JOHNSTON
JESSE M. WILLIAMS, JR.
ROMAN L. WEIL
JAMES W. GARRETT
WILLIAM B. MOORE, JR.
CHARLES E. PORTER

RUSHTON, STAKELY & JOHNSTON
ATTORNEYS AT LAW
1201-1212 BELL BUILDING
TELEPHONE 2-1911
MONTGOMERY 1, ALABAMA

1599

LEE H. WEIL
OF COUNSEL

February 16, 1951

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

Re: Sannie McMillan vs. Melton
McKenzie

Dear Mrs. Duck:

Enclosed herewith are the pleas
which we will appreciate your filing in the above
styled case.

Please acknowledge receipt of
same.

Yours very truly,

Charles E. Porter
2.

CEP:akb

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LEE H. WEIL
OF COUNSEL

January 29, 1951

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

Dear Mrs. Duck:

Re: Sannie McMillian
vs.
Melton McKenzie

We are enclosing a demurrer to be filed in the
above styled cause.

We shall appreciate your acknowledging receipt
of this demurrer.

Yours very truly,

James Garrett

mvn
Enclosure

SANNIE McMILLAN,

Plaintiff

vs.

MELTON McKENZIE,

Defendant

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

Now comes the Defendant, Melton McKenzie, and for answer to the Plaintiff's complaint, heretofore filed in this cause, and to each count thereof separately and severally, pleads as follows:

1. The general issue.
2. That he is not guilty of the matters and things alleged in the Plaintiff's complaint.
3. That at the time and place alleged in the Plaintiff's complaint, the Plaintiff was himself guilty of negligence which proximately contributed to his alleged damages which are the basis of this suit.

RUSHTON, STAKELY & JOHNSTON

By:


Attorneys for Defendant

1899 RECORDED

FILED

FEB 17 1951

ALICE J. DICK, CLERK

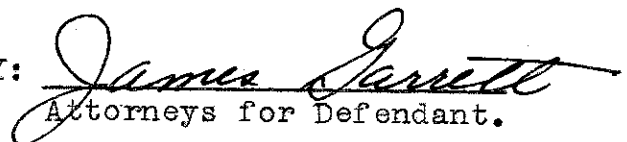
SANNIE McMILLIAN, | IN THE
 : CIRCUIT COURT OF
vs. | BALDWIN COUNTY, ALABAMA
MELTON McKENZIE, :
 | Defendant

Now comes the Defendant, Melton McKenzie, and demurs to the complaint heretofore filed and to each count thereof separately and severally, and does separately and severally assign the following grounds for said demurrer:

1. The Complaint fails to state a cause of action.
2. The averments of said complaint are vague, indefinite and uncertain.
3. The averments thereof are mere conclusions of the pleader.
4. The averments thereof are unlawful conclusions of the pleader.
5. The averments thereof are conflicting and repugnant.
6. There is a misjoinder of causes of action.
7. For aught that appears Defendant owed no duty to the Plaintiff.
8. For that it does not sufficiently appear what duty, if any, was owed by said Defendant to the Plaintiff.
9. It does not sufficiently appear wherein or how this Defendant was guilty of negligence.
10. For that the specific averments as therein set forth are insufficient to constitute negligence as a matter of law.
11. For that no causal connection appears between the Defendant's alleged negligence and the injuries and damages complained of by Plaintiff.
12. For that it affirmatively appears that the Plaintiff has no right to bring or maintain this action.
13. For that it affirmatively appears that Plaintiff has no cause of action against this Defendant.

RUSHTON, STAKELY & JOHNSTON

BY:


Attorneys for Defendant.

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 Melton McKenzie 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 Sannie McMillian.

Witness my hand this 11th day of January, 1951.

Arci J. Renshaw
Clerk.

SANNIE McMILLIAN,

Plaintiff

vs.

MELTON MCKENZIE,

Defendant.

I

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I

:

I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LA W, NO. _____

COUNT ONE:

The plaintiff claims of the defendant the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages for that heretofore on, to-wit, the 6th day of July, 1950, the plaintiff was operating an automobile along and upon a public highway in Baldwin County, Alabama, on, to-wit, Alabama Highway No. 104, approximately 1.2 miles north of the intersection of said Highway with Highway No. 89, where he had a right to be, and while said automobile was being operated by him at said time and place, an automobile which was then and there being operated by the defendant ran upon, over or against the automobile of the plaintiff, causing great damages and injuries to the plaintiff, as follows: Plaintiff's automobile was broken, bent, smashed or otherwise damaged and injured and plaintiff's body was bruised, mutilated, and injured; he was bruised and injured in his face, head and other parts of his body; he suffered the loss of his left arm above the elbow; was made sick and sore; has suffered and is suffering excruciating ~~excruciating~~ mental pain and anguish, and will be partially disabled and incapacitated for the remainder of his life. The plaintiff alleges that all of his said damages were proximately caused by the negligence of the defendant, in that he negligently caused, allowed or permitted the automobile being operated by him to run upon, over or against the automobile of the plaintiff and as a proximate consequence thereof, the plaintiff was damaged and injured as aforesaid.

Albert F. Garton
ATTORNEY FOR PLAINTIFF

Rasona Stone
ATTORNEY FOR PLAINTIFF

Plaintiff demands a trial by jury.

Albert F. Garton
ATTORNEY FOR PLAINTIFF
Rasona Stone
ATTORNEY FOR PLAINTIFF

Defendant's Address:
Fairhope, Alabama.

SUMMONS & COMPLAINT

SANNIE McMILLIAN,

Plaintiff,

vs.

MELTON MCKENZIE,

Defendant.

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

Filed: January 11th, 1951.

Lucy J. Vance
Clerk.

Executed Jan 15th 1951
By sending a copy of
Summons to
Melton Mc Kenzie

Taylor Wilkins
D.A. Jackson

LAW OFFICES
HYBART, CHASON & STONE
BAY MINETTE, ALABAMA

We the jury find the defendant
Not liable to damages to the Plaintiff.

Wendensch

We the jury find for the Defendant

Wendensch

CIVIL JURY LIST

1	Ross Freeman	Plumber	Robertsdale	
2	Clyde Burt	Laborer	Bay Minette	Q2
3	Harold Saye	Farmer	Loxley	Q4
4	Maxwell Jewell	Merchant	Foley	Q3
5	Clarence Schram	Newport	Bay Minette	
6	J. O. Grimes	Produce Man	Loxley	
7	Calvin Hill	Farmer	Belforest	
8	T. J. Verdonchat	Flower Grower	Foley	
9	Leonard Triome	Real Estate	Daphne	
10	Curtis Gappa	Ice Cream Parlor	Bay Minette	Q5
11	George Hartel	Farmer	Elberta	
12	Gilbert Cooper	Farmer	Resinton	Q8
13	Brooks Bush Sr.	School Bus Driver	Crossroads	
14	William S. Alexander	Newport	Bay Minette	Q7
15	Marvin Beverly	Laborer	Robertsdale	
16	J. F. Beatty	Mechanic	Fairhope	Q1
17	Grady Faircloth	Merchant	Mag. Springs	Q2
18	Angelo Lazzari	Farmer	Belforest	Q3
19	Redney Fall	Butcher	Foley	Q4
20	M. A. Lovell, Jr.	Farmer	Loxley	
21	Eldo Lee	Carpenter	Loxley	Q5
22	A. E. Cowlings	Retired Navy	Seminole	
23	V. A. Cox Jr.	Store Work	Stockton	Q1
24	J. A. Mothershed	Farmer	Lottis	Q2
25	H. R. Hall	Store Owner	Fairhope	Q3
26	Clyde Perkins	Newport	Bay Minette	Q4
27	Robert Steigerwald	Cleaning	Foley	Q5
28	Walter Head	Ship Yard	Stapleton	Q6

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