

RAY M. HORN,
Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
INDIVIDUALLY, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., Doing Bus-
iness Under the Firm Name and
Style of BELL TRANSFER COMPANY,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW - NO. 854

Come the defendants, J. H. Bell, Jr. and Lillie Bell, and separately demur to Counts Two, Three and Four of the complaint, separately, upon the following separate and several grounds, namely:

1. Said count shows no breach of duty which the defendants, their servants or agents owed to the plaintiff.

2. Because the parking or stopping of the defendants' said truck upon the highway was a mere condition existing at the time and was in nowise the proximate cause of the alleged injuries to plaintiff.

3. Because no facts are averred from which the Court could infer that the injuries to the plaintiff were the proximate result of any negligence of the defendants, their servants or agents.

John L. McCall, Jr.
Attorneys for Said Defendants

854

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 854

RAY M. HORN,
Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE
BELL, as Administratrix
of the Estate of J. H. Bell,
Sr., Doing Business Under
the Firm Name and Style
of BELL TRANSFER COMPANY,
Defendants.

* * * * *

D E M U R R E R

Received April 28 1944
Ray M. Horn

JOHNSTON, McCALL & JOHNSTON
ATTORNEYS AT LAW

LAWYERS

FIRST NATIONAL BANK ANNEX

MOBILE, ALABAMA

RAY M. HORN,
Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
INDIVIDUALLY, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., Doing Bus-
iness Under the Firm Name and
Style of BELL TRANSFER COMPANY,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 854

Comes the defendant, Lillie Bell, as Adminis-
tratrix of the Estate of J. H. Bell, Sr., one of the defendants
in the above-entitled cause, and demurs to each count of the
complaint separately upon the following separate grounds:

1. Said count fails to show any breach of
duty which the defendant owed to the plaintiff.
2. Because it affirmatively appears that the
said defendant has no authority under law to engage in business.
3. Because it affirmatively appears that the
said defendant could not, as a matter of law, be a member of a
firm.
4. Because the facts pleaded affirmatively show
that the Estate of J. H. Bell, Sr., could not be held liable for
the alleged injuries to plaintiff.
5. Because the parking or stopping of the de-
fendants' automobile truck on the highway was no more than a
condition existing at the time that the automobile in which the
plaintiff was riding ran into it, and was in nowise the proximate
cause of the plaintiff's alleged injuries.

Johnston, McCall & Johnston
Attorneys for said Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 854

RAY M. HORN, Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE
BELL, Individually, and
LILLIE BELL, as Adminis-
tratrix of the Estate of
J. H. Bell, Sr., Doing
Business Under the Firm
Name and Style of BELL
TRANSFER COMPANY,
Defendants.

DEMURRER

Filed April 28 1944
Re Duck
Civil

JOHNSTON McCALL & JOHNSTON
~~SAV. & B. CO. & JOHNSTON~~

LAWYERS

FIRST NATIONAL BANK ANNEX

MOBILE, ALABAMA

RAY M. HORN,

Plaintiff

VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., doing busi-
ness under the firm name and
style of BELL TRANSFER COMPANY,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - No. 854

The parties consenting hereto, it is ordered,
adjudged and decreed that the above-entitled cause be, and
the same is hereby, dismissed, the parties having compromised
and settled the same; and that the plaintiff do have and re-
cover of and from the defendants all costs in his behalf ex-
pended, for all of which let execution issue.

ORDERED AND ADJUDGED, this 16th day of ~~October~~ ^{November},

1944.

F. W. Harl
JUDGE

WE CONSENT TO THE ABOVE:

Bebe Hall
By W. C. Bebe
ATTORNEYS FOR THE PLAINTIFF

Phanton McCall
ATTORNEYS FOR THE DEFENDANTS

RAY M. HORN, PLAINTIFF

VS

J. H. BELL, JR, ET AL,
DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

#854

And now comes the Plaintiff and for answer to the interrogatories heretofore propounded by the Defendants, says:

1. (a) Ray M. Horn. 35. Luverne, Alabama
(b) Chief Deputy Sheriff, Crenshaw County, Alabama
(c) Yes.
(d) Head, chest, and right eye
(e) L. A. Windham Luverne; Dr. Stewart, Troy, Ala., doctor in Mobile, name not known.
(f) Over period of four weeks.
(g) Part time.
(h) Three days.
(i)
2. (a) About 7:30 P. M.
(b) Muriel Elizabeth Horn, Bettie O'Neal, Edwin O'Neal, Jack Beasley, Ray M. Horn
(c) Edwin O'Neal.
(d) L. F. Horn, Luverne, Alabama.
(e) Yes.
(f) Traveling with Ray M. Horn as guests.
(g) No one
(h) Yes.
(i) Yes
(j) No
(k) No. Did not know O'Neal along.
(l) No.
3. (a) 35 to 40 miles per hour.
(b) Yes.
(c) Just before hit it.
(d) 10 or 15 feet.
(e) None-- Did not have time.
(f) Unable. Too near upon when discovered.
(g) No.
(h) Yes.
(i) Yes.
(j) Yes.
(k) Dim. Meeting car.
4. (a) To get prisoner, Jack Beasley.
(b) Yes.
(c) Jack Beasley
(d) Yes.
(e) Yes.
(f) Yes.
(g) Parties named above.
(h) Luverne.
(i) 1:30 P. M.
(j) 5:45 P. M.
(k) 45 minutes.
(l) No.
(m) None
(n) No.
(o) No

- (p) Two or three months.
- (q) No
- (r) No
- (s) None
- (t) None
- (u) None
- (v) None
- (w) None acquired.

5. (a) Left side of truck and trailer.
(b) About one-third.

Ray M. Horn

STATE OF ALABAMA
CRENSHAW COUNTY.

Before me, the undersigned authority in and for said County in said State, personally appeared Ray M. Horn who is known to me, and who, having been by me first duly sworn, deposes and says that the foregoing answers to interrogatories heretofore propounded by the Defendants in the above styled cause are true and correct.

Ray M. Horn

Sworn to and subscribed before me on this the 3rd day of July
1944.

W. K. Reddick

Notary Public, Crenshaw County, Alabama.

Judge of Probate

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. H. BELL, JR., LILLIE BELL individually, and LILLIE BELL as Administratrix of the Estate of J. H. Bell, Sr., doing business under the firm name and style of BELL TRANSFER COMPANY, 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 the same, then and there to answer the complaint of RAY M. HORN.

Witness my hand this the 30th day of March, 1944.

Rebecca
Clerk.

RAY M. HORN,
PLAINTIFF

VS

J. H. BELL, JR., LILLIE BELL,
INDIVIDUALLY AND LILLIE BELL,
AS ADMINISTRATRIX OF THE ESTATE
OF J. H. BELL, SR., DOING BUSINESS
UNDER THE FIRM NAME AND STYLE OF
BELL TRANSFER COMPANY
DEFENDANTS.

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

ONE:

The Plaintiff claims of the Defendants TEN THOUSAND DOLLARS for that heretofore on, to-wit, February 29th, 1944, the Plaintiff was riding in an automobile along the public highway commonly known as the Mobile-Montgomery highway at a point near Camp Baldwin, Baldwin County, Alabama; Plaintiff avers that the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, negligently and unlawfully operated an automobile truck on said highway and at said place, and as a proximate result thereof the automobile in which the plaintiff was riding along said highway, at said time, about the hour of 7:25 P. M. ran into or against said truck, and as a proximate result thereof the Plaintiff received serious injuries; his head was bruised and broken, his body was bruised, he was injured internally, her was permanently injured; he was otherwise injured; he was caused to suffer much physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish for much time to come; he was caused to lose much time from his

business or profession and will continue to lose much time from his business or profession in the future; he was rendered permanently disabled to earn a livelihood; he incurred heavy expenses for medicines, medical, surgical and hospital services, all to the damage of the Plaintiff in the sum herein sued for.

Plaintiff avers that said injuries to Plaintiff were proximately caused by the negligence of the Defendants, acting by or through their agent, servant or employee, who was then and there acting within the line and scope of his employment in so operating said truck along said highway, at said point.

TWO:

The Plaintiff claims of the Defendants TEN THOUSAND DOLLARS for that heretofore on, to-wit, February 29th, 1944, the Plaintiff was riding in an automobile along the public highway commonly known as the Mobile-Montgomery highway, at a point near Camp Baldwin, Baldwin County, Alabama; Plaintiff avers that the defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, negligently and unlawfully parked an automobile truck on said highway, at said place, and as a proximate result thereof, the automobile in which the Plaintiff was riding along said highway, at said time, at about the hour 7:25 P. M. ran into said truck, and, as a proximate result thereof the Plaintiff received serious injuries, his head was bruised and broken, his body was bruised, he was injured internally, he was permanently injured; he was otherwise injured; he was caused to suffer much physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish for much time to come, he was caused to lose much time from his business or profession, and will continue to lose much time from his business or profession in the future; he was rendered permanently disabled to earn a livelihood; he incurred heavy expenses for medicines, medical, surgical and hospital services; all to the damage of the Plaintiff in the sum herein sued for.

Plaintiff avers that Plaintiff's injuries and damages were proximately caused by the negligence of the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line

and scope of his employment, in that they negligently and unlawfully parked said automobile truck on said highway at said point, at said time, and negligently failed to have and maintain proper signals or other warnings, and as a proximate consequence of said negligence, the said automobile in which the Plaintiff was riding was wrecked and the Plaintiff injured as herein set out.

THREE.

The Plaintiff claims of the Defendants Ten Thousand Dollars for that heretofore on, to-wit, February 29th, 1944, the Plaintiff was riding in an automobile along the public highway commonly known as the Mobile-Montgomery highway, at a point near Camp Baldwin, Baldwin County, Alabama; Plaintiff avers that the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, negligently and unlawfully stopped an automobile truck on said highway, at said place, and as a proximate result thereof, the automobile in which the Plaintiff was riding along said highway, at said time, at about the hour 7:25 P. M. ran into said truck, and as a proximate result thereof the Plaintiff received serious injuries, his head was bruised and broken, his body was bruised, he was injured internally, he was permanently injured; he was otherwise injured; he was caused to suffer much physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish for much time to come, he was caused to lose much time from his business or profession, and will continue to lose much time from his business or profession in the future; he was rendered permanently disabled to earn a livelihood; he incurred heavy expenses for medicines, medical, surgical and hospital services, all to the damage of the Plaintiff in the sum herein sued for.

Plaintiff avers that Plaintiff's injuries and damages were caused by the negligence of the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, in that they negligently and unlawfully stopped said automobile truck on said highway at said point, at said time, and negligently failed to have and maintain proper signals or other warnings, and as a proximate consequence of said negligence the said automobile in which the Plaintiff was riding was wrecked and the plaintiff injured as herein set out.

FOUR:

Plaintiff claims of the Defendants TEN THOUSAND DOLLARS as damages for that heretofore on, to-wit, February 29th, 1944, the Plaintiff was riding in an automobile along the public highway commonly known as the Mobile-Montgomery highway at a point near Camp Baldwin, Baldwin County, Alabama; Plaintiff avers that the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, negligently and unlawfully parked or left standing an automobile truck on said highway at said point so as to block or obstruct passage along said highway; and as a proximate result thereof, the automobile in which the Plaintiff was riding along said highway at said time, about the hour 7:25 P. M. ran into said truck and as a proximate result thereof the Plaintiff received serious injuries, his head was bruised and broken, his body was bruised, he was injured internally, he was permanently injured; he was otherwise injured, he was caused to suffer much physical pain and mental anguish; and will continue to suffer much physical pain and mental anguish for much time to come he was caused to lose much time from his business or profession, and will continue to lose much time from his business or profession in the future; he was rendered permanently disabled to earn a livelihood; he incurred heavy expenses for medicines, medical, surgical and hospital services, all to the damage of the Plaintiff in the sum herein sued. for.

Plaintiff avers that Plaintiff's injuries and damages were proximately caused by the negligence of the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, in parking or leaving standing the said automobile truck so as to block or obstruct passage along said highway at said place, and negligently fail to have and maintain proper signals or other warnings; that said highway was so blocked or obstructed at said point and, as a proximate consequence of said negligence, the said automobile in which the plaintiff was riding as aforesaid, was wrecked or turned over, and the Plaintiff injured as herein set out.

BEEBE & HALL

By Thur Lee
Attorneys for Plaintiff.

PLAINTIFF demands a trial by jury.

BEEBE & HALL,

By Thur Lee
Attorneys for Plaintiff.

Executed this 1... day of April 1944.
By leaving a copy with
J. H. Bell Jr.
J. H. KENNEDY, Sheriff
D. S.

Executed this 1... day of April 1944.
By leaving a copy with
Lillie Belle
J. H. KENNEDY, Sheriff
W. McLean D. S.

Executed this 1... day of April 1944.
By leaving a copy with
Lillie Belle
J. H. KENNEDY, Sheriff
W. McLean D. S.

RAY M. HORN, PLAINTIFF

VS

J. H. BELL, JR., LILLIE BELL
INDIVIDUALLY AND LILLIE BELL AS
ADMINISTRATRIX OF THE ESTATE OF
J. H. BELL, SR., DOING BUSINESS
UNDER THE FIRM NAME AND STYLE
OF BELL TRANSFER COMPANY
DEFENDANTS

SUMMONS AND COMPLAINT.

Filed March 30 1944
Robert Bell

RAY M. HORN,
Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
INDIVIDUALLY, and LILLIE BELL,
as Administratrix of the Estate
of J. H. BELL, Sr., Doing Bus-
iness Under the Firm Name and
Style of BELL TRANSFER COMPANY,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 854

INTERROGATORIES PROPOUNDED TO THE PLAINTIFF BY
THE DEFENDANTS:

1. (a) Please state your age and address. (b)

In what business were you engaged on February 29, 1944? (c)

Were you injured in an automobile collision on said date? (d)

What injuries did you sustain? (e) Please give the names and
addresses of any or all doctors that treated you. (f) On

what dates were you treated by said doctors? (g) Were you
compelled to go to bed on account of the injuries suffered in
said collision? (h) If so, how many days were you in bed?

2. (a) If you state that you were riding in an
automobile which collided with an automobile truck on the Mo-
bile-Montgomery Highway at a point near Camp Baldwin, Baldwin
County, Alabama, please state what time of day said collision
occurred. (b) Who was riding in said automobile at the time?
(c) Who was driving said automobile at the time of the col-
lision? (d) Who owned said automobile? (e) Was Edwin O'Neal
driving said automobile at the time? (f) What was his business
at the time? (g) By whom was he employed at the time? (h) Was
he driving the automobile with your consent? (i) Was he driv-
ing said automobile at your request? (j) Was he driving said
automobile at your direction? (k) Was he driving said auto-
mobile with the consent of the owner of said automobile? (l)
Was he driving said automobile at either the request or direction
of the owner of said automobile?

3. (a) How fast was the automobile in which you were riding going at the time of said collision? (b) Was it dark at the time of said collision? (c) When did you first see the automobile truck on the highway ahead of you? (d) How far was the automobile in which you were riding from the truck when you first saw it? (e) What warning did you give to the driver, if any, when you saw said automobile truck? (f) Why did not said driver of the automobile go around said truck at the time? (g) Were there any lights on the truck at the time of the collision? (h) Were the lights on the automobile in which you were riding in good condition? (i) Were they burning immediately before the collision? (j) Were they burning at the time of the collision? (k) Were they bright or dim at the time of the collision?

4. (a) Please state for what purpose or object you came to Mobile. (b) Did you not come for a prisoner? (c) What was the name of this prisoner? (d) Are you not a deputy sheriff of Crenshaw County, Alabama? (e) Is not your father, Lennie F. Horn, sheriff of Crenshaw County, Alabama? (f) Did you leave Crenshaw County that day in said automobile to go to Mobile for a prisoner, Jack Beasley? (g) Who accompanied you on said trip? (h) From what point in Crenshaw County did you leave? (i) What time of day did you leave? (j) What time did you get to Mobile that day? (k) How long did you remain in Mobile? (l) Did you have a meal in Mobile? (m) If so, what meal? (n) Prior to said collision, but on the same day, had you taken any drinks of vinous, malt or spirituous liquors? (o) Had Mr. Edwin O'Neal taken any drinks of vinous, malt or spirituous liquors prior to said collision on the same day? (p) When was the last drink that you had taken prior to the collision? (q) Were you not under the influence of intoxicating liquor at the time of said collision? (r) Was

not Mr. Edwin O'Neal under the influence of intoxicating liquor at the time of said collision? (s) How many drinks of intoxicating liquor had you taken on the way to Mobile on the day of the collision? (t) How many drinks of intoxicating liquor had you taken in Mobile on the day of the collision? (u) How many drinks of intoxicating liquor had you taken on the way from Mobile back to Luverne on the day of the collision? (v) How many drinks of intoxicating liquor had Mr. Edwin O'Neal taken on the day of the collision on the way to Mobile, in the City of Mobile and on his return trip from Mobile? (w) From whom did you and Mr. O'Neal acquire said intoxicating liquor?

5. (a) What part of the automobile truck, if any, was on the paved portion of the highway at the time the automobile in which you were riding collided with it? (b) How much of said truck was off the highway at said time?

Johnston, McCall & Johnston
Attorneys for Defendants

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority in and for said State and County, personally appeared Sam M. Johnston, who, being by me duly sworn, on oath deposes and says that he is one of the attorneys for the defendants in the above-entitled cause, and that the plaintiff's answers to the foregoing interrogatories, if truthfully made, will be material evidence for the defendant in the trial of this cause.

Sam M. Johnston

Subscribed and sworn to before me,
this 27 day of April, 1944.

Thelma Power
Notary Public, Mobile County, Alabama

Executed 4/28 19 44

by serving subpoena

on H. M. Hall

W. R. Stuart

Sheriff

By Grady Hall

Deputy Sheriff

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 854

RAY M. HORN, Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE
BELL, Individually, and
LILLIE BELL, as Adminis-
tratrix of the Estate of
J. H. Bell, Sr., Doing
Business Under the Firm
Name and Style of BELL
TRANSFER COMPANY,
Defendants.

* * * * *

INTERROGATORIES TO PLAINTIFF

Tested and sworn to 28/1944
[Signature]

JOHNSTON, McCALL & JOHNSTON
~~SEAN M. McCALL~~ JOHNSTON

LAWYERS

FIRST NATIONAL BANK ANNEX,
MOBILE, ALABAMA

The State of Alabama, {
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

Oct. 21st. Term, 1944

Ray M Horn.

No. 854 vs.

J H Bell. et al.

BILL OF COSTS

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	
Docketing Cause, One Fee only of.....	25	Clerk's Fees	12 35
Issuing Summ. and Complt., each.....	1 25	Ex-Clerk's Fees	
Issuing Alias or Branch Summons & Complaint, each.....		Sheriff's Fees	6 00
Making Copies Thereof, Minimum, each.....	30	Ex-Sheriff's Fees.....	
Making Copies Thereof, over 200 Words, per 100 words.....		Witness Fees	
Entering Sheriff's Returns, each	20	Commissioner's Fees	
Entering Appearances, each	40		
Certifying Affidavits, each	25	Garnishee's Fees	
Issuing Attachments with Bond, each	1.00	Publisher's Fees	
Orders of Publication, each .....	.50		
Copy of Same, each .....	.50	Court Reporter's Fees, Per Day or fraction thereof.....	3 00
Issuing Summ. to Garnishee, each .....	.50	Trial Tax	
Copy of Same, Per 100 Words .....	.15		
Swearing Garnishee, Etc., Per 100 words, .15, Minimum .....	.50		
Release of Garnishee, each .....	.25		
Issuing Scire Facias or Similar Notice, each .....	.75		
Copies of Same, Per 100 Words.....	15		
Making Copy of Interrogatories, Per 100 Words, .15; Minimum	50		
Commission to Take Depositions, each .....	.75	Fees and Costs in Inferior Court:	
Filing Depositions, Each Pkg., .....	.10	Clerk of Inferior Court Fees	
Endorsing Each Package of Depositions Opened .....	.10	Sheriff's Fees	
Issuing Subpoenas, Each .....	.30	Justice of Peace Fees	
Issuing Witness Certificates, each.....	.25	Constable's Fees	
Entering Continuances, each .....	.10		
Filing Papers, each	80		
Other Orders of Court, each .....	.30	Fees and Costs in Inferior Court	
Trial and Incidents .....	.75		21 35
Entering Judgment, each	30	Total Fees and Costs	
Complete Record, Per 100 Words	6 50	Judgment	
Taking Bonds, each .....	.75	10 Per Cent Damages	
Certificate of Appeal .....	.25	Interest	
Transcript to Supreme Court, Per 100 Words .....	.15	Total Judgment	
Additional Copies of Same, Per 100 Words .....	.05	Total Fees, Costs and Judgment	
Issuing Executions or Copy Thereof, each .....	.50		
Entering Sheriff's Return, Per 100 Words, .15; Minimum .....	.20		
Copy order Dismissal.....	50	Cost to 10-21-44.....	
		Total	
Total Clerk's Fees	12 35		
SHERIFF'S FEES:			
Serving and Returning Summons or Writ, each	3 1.50		
Levying Attachment, each	3.00		
Entering and Returning Same, each .....	.25		
Seizing Personal Property Under Writ of Detinue	3.00		
Taking and Approving Bonds, each.....	1.00		
Summoning Garnishee and Return, each	1.50		
Serving and Returning Sci. Fa. or Notice, Each	1.50		
Serving and Returning Subpoenas, each .....	.65		
Serving Contempt Attachment, each	1.50		
Impanelling Jury.....	.75		
Collecting Execution for Costs Only, each.....	1.50		
Coms. for Collecting Money on Executions			
Executing Writs of Possession, each.....	5.00		
Making Deed to Real Estate Sold, each.	2.50		
Total Sheriff's Fees	6 00		

RAY M. HORN,
PLAINTIFF

VS

IN THE CIRCUIT COURT OF

J. H. BELL, JR., LILLIE BELL
INDIVIDUALLY AND LILLIE BELL
AS ADMINISTRATRIX OF THE ESTATE
OF J. H. BELL, SR., DOING BUSINESS
UNDER THE FIRM NAME AND STYLE OF
BELL TRANSFER COMPANY
DEFENDANTS

BALDWIN COUNTY, ALABAMA

AT LAW

854

And now comes the Plaintiff in the above styled cause, and
for demurrer to the Defendant's pleas Two and Three, and to each separately
and severally, says:

ONE:

That said plea sets out no facts which constitute a defense to
the Plaintiff's cause of action.

TWO:

That said plea attempts to charge the Plaintiff with the
negligence of the driver of the automobile without setting out any grounds
thereof.

THREE:

That said plea attempts to impute the negligence of the driver of
the automobile to the Plaintiff without showing a sufficient relationship between
the Plaintiff and the driver of the car.

FOUR:

That said plea fails to aver or show that the Plaintiff negligently
did or omitted to do anything.

FIVE:

That the said plea fails to aver that the Plaintiff had any control
over the automobile in which he was riding.

SIX:

That said plea fails to allege or aver that the Plaintiff had any
control over the driver of the automobile in which he was riding.

Page Two.

SEVEN:

That said plea fails to show that the Plaintiff had charge of the control or the operation of the automobile in which he was riding.

EIGHT:

That said plea fails to allege that the Plaintiff appreciated the or was conscious of the danger that might result from the acts and conditions set out in the plea.

NINE:

That the said plea fails to allege or aver that the Plaintiff knew and appreciated the danger set out in said plea, and voluntarily put himself in the way of it.

BEEBE & HALL

By J. L. Beebe
Attorneys for the Plaintiff.

RAY M. HORN, PLAINTIFF

VS

J. H. BELL, JR. ET AL

DEMURRER.

7-26-65 15-1944

But Bell

RAY M. HORN,
Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
INDIVIDUALLY, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., Doing Bus-
iness Under the Firm Name and
Style of BELL TRANSFER COMPANY,
Defendants.

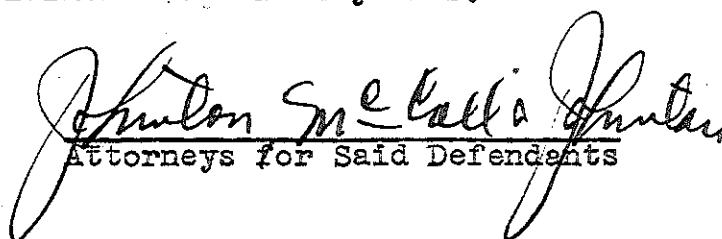
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 854

1. Come J. H. Bell, Jr. and Lillie Bell and for
answer to Count One of the complaint say they are not guilty.

2. And for further plea in their behalf to Count
One of the complaint, separately and severally, each of said
defendants says that plaintiff himself was guilty of negli-
gence which proximately contributed to his said injuries.

3. And for further plea in their behalf to Count
One of the complaint, each of the defendants says that a servant
or agent of the plaintiff, while acting within the line and
scope of his employment as such, was guilty of negligence which
proximately contributed to plaintiff's said injuries.


Attorneys for Said Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 854

RAY M. HORN, Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL, Individually, and LILLIE BELL, as Administratrix of the Estate of J. H. Bell, Sr., Doing Business Under the Firm Name and Style of BELL TRANSFER COMPANY, Defendants.

PLEASE

JOHNSTON, McCall & JOHNSTON
SAYXMXBOWMKXXJOHNSTON
LAWYERS

FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

Handwritten signature: *Handwritten signature*