

RAY M. HORN, as Administrator
of the Estate of Muriel Elizabeth
Horn, Deceased,

Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL, In-
dividually, 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 - NO. 855

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 in an automobile which collided with a truck on the Mobile-Montgomery Highway at a point near Camp Baldwin, Baldwin County, Alabama, on February 29, 1944?

2. (a) If you state that you were riding in an automobile which collided with an automobile truck on the Mobile-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 collision? (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 at your request? (j) Was he driving said automobile at your direction? (k) Was he driving said automobile 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 your intestate came to Mobile. (b) Who invited her to come to Mobile? (c) Did you agree to furnish her with transportation? (d) Did she pay any compensation for transportation? (e) From what point in Crenshaw County, Alabama, did she leave to go to Mobile on said date? (f) What time of day did the automobile in which she came to Mobile leave? (g) What time did she arrive in Mobile on that day? (h) How long did you and she remain in Mobile? (i) Did you and she have a meal in Mobile? (j) If so, what meal? (k) Prior to said collision, but on the same day, had you taken any drinks of vinous, malt or spirituous liquors? (l) Had Mr. Edwin O'Neal taken any drinks of vinous, malt or spirituous liquors prior to said collision on the same day? (m) When was the last drink that you had taken prior to the collision? (n) Were you not under the influence of intoxicating liquor at the time of said collision? (o) Was not Mr. Edwin O'Neal under the influence of intoxicating liquor at the time of said collision? (p) How many drinks of intoxicating liquor had you taken on the way to Mobile on the day of the collision? (q) How many drinks of intoxicating liquor had you taken in Mobile on the day of the collision? (r) How many drinks of intoxicating liquor had you taken on the way from Mobile back to Luverne on the day of the collision? (s) How many drinks of intox-

icating 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? (t) 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 and your intestate were riding collided with it? (b) How much of said truck was off the highway at said time?

Johnston, McCall & Johnston
Attorneys for Said Defendants

STATE OF ALABAMA)

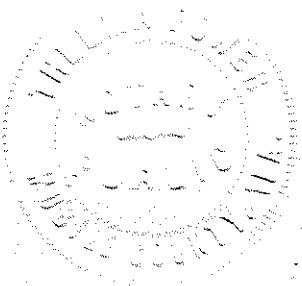
COUNTY OF MOBILE)

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 defendants in the trial of this cause.

Sam M. Johnston

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

William Pinner
Notary Public, Mobile County, Alabama



Executed 4/28 19 44

by serving subpoena

on H. M. Hall

Wm. Stuart

By Grady Hall Sheriff

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 855

RAY M. HORN, as Adminis-
trator of the Estate of
Muriel Elizabeth Horn,
Deceased,

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 & Style of BELL
TRANSFER COMPANY,
Defendants.

* * * * *

INTERROGATORIES TO PLAIN-
TIF

Filed April 28 1944
W. B. Bell

JOHNSTON, McCALL & JOHNSTON
~~SAWXXXWXXXWXXXWXXXWXXXWXXX~~

LAWYERS

FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

The State of Alabama, }
BALDWIN COUNTY }

CIRCUIT COURT. (LAW)

Oct 21st.

Term, 194~~4~~⁴⁴

Ray M Horn as Adm.

No. 855 vs.

J H Bell, Jr et al.

BILL OF COSTS

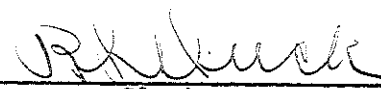
CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	
Docketing Cause, One Fee only of.....	25	Clerk's Fees	12 35
Issuing Summ. and Complt., each.....	1 25	Ex-Clerk's Fees	6 00
Issuing Alias or Branch Summons & Complaint, each	1.25	Sheriff's Fees	
Making Copies Thereof, Minimum, each.....	30	Ex-Sheriff's Fees	
Making Copies Thereof, over 200 Words, per 100 words	.15	Witness Fees	
Entering Sheriff's Returns, each .....	.20	Commissioner's Fees	
Entering Appearances, each .....	.20	.....
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	.500
Issuing Summ. to Garnishee, each .....	.50	Trial Tax	3 00
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	Fees and Costs in Inferior Court:	
Commission to Take Depositions, each .....	.75	Clerk of Inferior Court Fees	
Filing Depositions, Each Pkg., .....	.10	Sheriff's Fees	
Endorsing Each Package of Depositions Opened .....	.10	Justice of Peace Fees	
Issuing Subpoenas, Each .....	.30	Constable's Fees	
Issuing Witness Certificates, each.....	.25	.....
Entering Continuances, each .....	.10	.....
Filing Papers, each .....	.10	Fees and Costs in Inferior Court	
Other Orders of Court, each .....	.30	Total Fees and Costs	21 35.
Trial and Incidents .....	.75	Judgment	
Entering Judgment, each .....	.30	10 Per Cent Damages	
Complete Record, Per 100 Words .....	.15	Interest	
Taking Bonds, each .....	.75	.....
Certificate of Appeal .....	.25	Total Judgment	
Transcript to Supreme Court, Per 100 Words .....	.15	Total Fees, Costs and Judgment	
Additional Copies of Same, Per 100 Words .....	.05	.....
Issuing Executions or Copy Thereof, each .....	.50	.....
Entering Sheriff's Return, Per 100 Words, .15; Minimum .....	.20	Cost to 10-21-44	
Copy, Order Dismissal.....	50	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 .....	.300		
Taking and Approving Bonds, each.....	1.00		
Summoning Garnishee and Return, each	1.50		
Serving and Returning Sci. Fa. or Notice Int	1 1.50		
Serving and Returning Subpoenas, each .....	.65		
Serving Contempt Attachment, each	1.50		
Impaneling 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		

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, as Administrator of the Estate of Muriel Elizabeth Horn, deceased.

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


Clerk.

RAY M. HORN, AS ADMINISTRATOR
OF THE ESTATE OF MURIEL ELIZABETH
HORN, DECEASED,

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 FIFTY THOUSAND DOLLARS as damages for that heretofore on, to-wit, February 29th, 1944, Plaintiff's intestate was a guest in an automobile riding along a public highway commonly known as the Mobile-Montgomery Highway at a point near Camp Baldwin, in 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's intestate was riding as a guest along said highway at said time at about the hour of 7:25 P. M., ran into or against said truck, and as a proximate result thereof, the Plaintiff's intestate received injuries and, as a proximate result of said injuries, she

died;

Plaintiff avers that said injuries to Plaintiff's intestate 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:

Plaintiff claims of the Defendants FIFTY THOUSAND DOLLARS as damages for that heretofore on, to-wit, February 29th, 1944, Plaintiff's intestate was a guest in an automobile riding along a public highway commonly known as the Mobile-Montgomery Highway, at a point near Camp Baldwin, in 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's intestate was riding as a guest 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's intestate received injuries and, that, as a proximate result or consequence of said injuries, Plaintiff's intestate died.

Plaintiff avers that plaintiff's intestate's injuries and damages were proximately caused by the negligence of the Defendants, acting by and through its 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's intestate was riding as a guest was wrecked and Plaintiff's intestate injured, and as a proximate result thereof, died, hence this suit.

THREE:

Plaintiff claims of the Defendants FIFTY THOUSAND DOLLARS as damages

for that heretofore on, to-wit, February 29th, 1944, Plaintiff's intestate was a guest in an automobile riding along a public highway commonly known as the Mobile-Montgomery Highway, at a point near Camp Baldwin, in 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's intestate was riding as a guest 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's intestate received injuries and that, as a proximate consequence of said injuries, Plaintiff's intestate died.

Plaintiff avers that Plaintiff's intestate'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 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's intestate was riding as a guest was wrecked and plaintiff's intestate injured, and, as a proximate result thereof, died, hence this suit.

FOUR:

Plaintiff claims of the Defendants FIFTY THOUSAND DOLLARS as damages for that, heretofore, on, to-wit, February 29th, 1944, Plaintiff's intestate was a guest in an automobile riding along a public highway commonly known as the Mobile-Montgomery highway, at a point near Camp Baldwin, in 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's intestate was riding along said highway at said time, about the hour of 7:25 P. M. ran into said truck and as a proximate result thereof, the Plaintiff's intestate

received injuries, from which she died;

Plaintiff avers that Plaintiff's intestate'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's intestate was riding as a guest, as aforesaid, was wrecked or turned over, and Plaintiff's intestate injured and, as a proximate result thereof, died, hence this suit.

BEEBE & HALL,

By Hushee
Attorneys for Plaintiff.

Plaintiff demands a trial by jury.

BEEBE & HALL

BY Hushee
Attorneys for Plaintiff.

855-
Exarated this 1 day of April 1944.
By leaving a copy with
J.H. Bell Jr.
J.E. KENNEDY, Sheriff
W.B. McCain D.S.

Exarated this 1 day of April, 1944.
By leaving a copy with
Lillie Bell
J.E. KENNEDY, Sheriff
W.B. McCain D.S.

Exarated this 1 day of April, 1944.
By leaving a copy with Lillie Bell
J.E. KENNEDY, Sheriff
W.B. McCain D.S.

RAY M. HORN, AS ADMINISTRATOR
OF THE ESTATE OF MURIEL ELIZABETH
HORN, DECEASED,
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.

7000 March 30 1944
J.H. Bell

RAY M. HORN, as Administrator
of the Estate of Muriel Elizabeth
Horn, Deceased,

Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL, Indi-
vidually, and LILLIE BELL, as Ad-
ministratrix 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

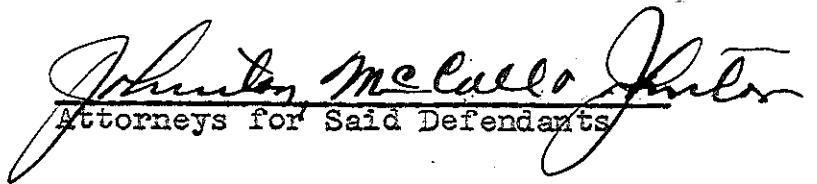
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 855

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 the plaintiff's intestate was herself
guilty of negligence which proximately contributed to her
said death.

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's intestate, while acting within the
line and scope of his employment as such, was guilty of negli-
gence which proximately contributed to the death of plaintiff's
intestate.


Attorneys for Said Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 855

RAY M. HORN, as Adminis-
trator of the Estate of
Muriel Elizabeth Horn,
Deceased, Plaintiff,

BVERSUS

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 & Style of BELL
TRANSFER COMPANY,
Defendants.

* * * * *

P L E A S

Deed
Open 28 1944
Johnston

JOHNSTON, McCALL & JOHNSTON
~~SAVING & TRUST COMPANY~~
LAWYERS

FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

RAY M. HORN, as Administrator
of the Estate of Muriel Elizabeth
Horn, Deceased,

Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL, In-
dividually, 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.

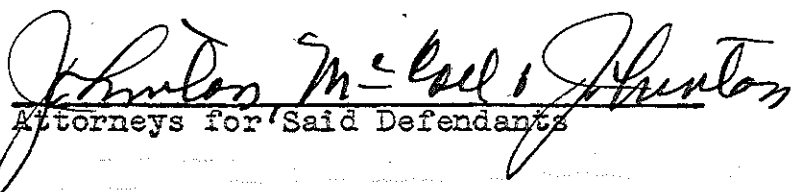
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW - NO. 855

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's
intestate.
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 death of the
plaintiff's intestate.
3. Because no facts are averred from which the
Court could infer that the death of the plaintiff's intestate
was the proximate result of any negligence of the defendants,
their servants or agents.


Attorneys for Said Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 855

RAY M. HORN, as Administrator of the Estate of Muriel Elizabeth Horn, Deceased, 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 & Style of BELL TRANSFER COMPANY, Defendants.

❖ ❖ ❖ ❖ ❖

DEMURRER

JOHNSTON, McCALL & JOHNSTON
LAWYERS

FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

RAY M. HORN, as Administrator
of the Estate of Muriel Elizabeth
Horn, Deceased,
Plaintiff,

VERSUS

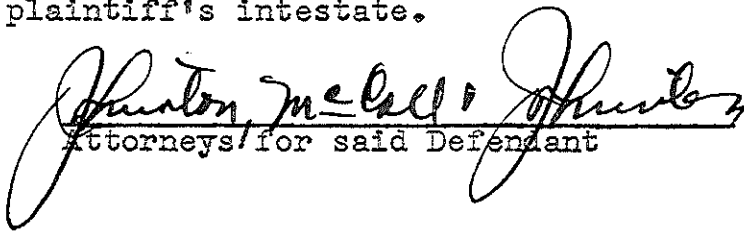
J. H. BELL, JR., LILLIE BELL, In-
dividually, and LILLIE BELL, as
Administratrix of the Estate of
J. H. Bell, Sr., Doing Business
Under the Firm Name and Style of
BELL TRANSFER COMPANY,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 855

Comes the defendant, Lillie Bell, as Administra-
trix 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's intestate.
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 death of plaintiff's intestate.
5. Because the parking or stopping of the defendants'
automobile truck on the highway was no more than a condition
existing at the time that the automobile in which the plaintiff's
intestate was riding ran into it, and was in nowise the proximate
cause of the death of the plaintiff's intestate.


Attorneys for said Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 855

RAY M. HORN, as Adminis-
trator of the Estate of
Muriel Elizabeth Horn,
Deceased, 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 & Style of BELL
TRANSFER COMPANY,
Defendants.

* * * * *

DEMURRER

Filed April 28 1944
Johnston

JOHNSTON, McCALL & JOHNSTON
~~SAMMONS & JOHNSTON~~
LAWYERS

FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

RAY M. HORN, as Administrator
of the Estate of Muriel
Elizabeth Horn, Deceased,

Plaintiff

- vs -

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. 855
:
:
:

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 November,
~~October~~,

1944.

F. W. Hare
JUDGE

WE CONSENT TO THE ABOVE:

Beebe & Hall
By W. C. Beebe
ATTORNEYS FOR THE PLAINTIFF

Johnston, McCall & Johnston
ATTORNEYS FOR THE DEFENDANTS

RAY M. HORN, AS ADMINISTRATOR OF
THE ESTATE OF MURIEL ELIZABETH HORN,
DECEASED,

PLAINTIFF

VS

J. H. BELL, JR., ET AL

DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

No. 855

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

1. (a) Thirty five. Luverne, Alabama.
(b) Chief Deputy Sheriff, Crenshaw, Alabama.
2. (a) 7:20 P. M.
(b) Muriel Elizabeth Horn, Bettie O'Neal, Edwin O'Neal,
Jack Beasley, and self.
(c) Edwin O'Neal.
(d) L. F. Horn
(e) Yes.
(f) Traveling as guest.
(g) No one.
(h) Yes.
(j) No.
(k) No. Did not know O'Neal was along.
(l) No.
3. (a) About thirty five miles per hour.
(b) Yes.
(c) Just before hit it.
(d) Ten or fifteen feet.
(e) None. Did not have time.
(f) Too near upon it.
(g) No.
(h) Yes.
(i) Yes.
(j) Yes.
(k) Dim.
4. (a) As a guest.
(b) She wanted to come along, for the trip.
(c) Yes.
(d) No.
(e) Luverne.
(f) About 1:30 P. M.
(g) About 5:45 P. M.
(h) About 45 minutes.
(i) No.
(j) None.
(k) No.
(l) No.
(m) None.
(n) No.
(o) No.
(p) None.
(q) None.
(r) None.
(s) None.
(t) None acquired.

5. (a) Left hand side.
(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 to Ray M. Horn, as Administrator of the Estate of Muriel Elizabeth Horn, 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. H. Ladd
Notary Public, Crenshaw County, Alabama.
Judge of Probate

RAY M. HORN, AS ADMINISTRATOR
OF THE ESTATE OF MURIEL ELIZABETH
HORN, DECEASED

PLAINTIFF

IN THE CIRCUIT COURT OF

VS

BALDWIN COUNTY, ALABAMA

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

AT LAW.

855.

Defendants

And now comes the Plaintiff in the above styled cause, and
for demurrer to the Defendants'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 decedent 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 decedent without showing a sufficient relationship between
the decedent and the driver of the car.

Four:

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

Five:

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

Six:

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

Seven:

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

Eight:

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

Nine:

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

BEEBE & HALL

BY

Wm. Lee
Attorneys for the Plaintiff.

Ray M. Horn as Administrator
Estate of Muriel Elizabeth Horn
Deceased,

PLAINTIFF.

VS

J. H. BELL, ET AL
DEFENDANTS

DEMURRER.

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