

BESSIE McKISSACK GILBERT, as
Administratrix of the Estate
of ELMAS DEAN McKISSACK, De-
ceased,

Plaintiff,

vs.

J. LUTHER MILLS, Sheriff of
Escambia County, Alabama, as
Administrator of the Estate of
JAMES TERRY TAYLOR, JR., De-
ceased,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 2253

Comes now the Defendant, J. Luther Mills, Sheriff of Escambia County, Alabama, as Administrator of the Estate of James Terry Taylor, Jr., Deceased, by his attorneys, and appearing specially for the purpose of filing this plea and for no other different subject or purpose and says that the suit heretofore filed against him should be abated and assigns the following separate and several grounds in support thereof:

1. That said suit was not commenced according to law.
2. That this Honorable Court is without jurisdiction of the matters complained of in said suit in that Letters of Administration to your Defendant were issued by the Probate Court of Escambia County, Alabama.
3. That said suit was not instituted in accordance with the provisions of Title 61, Section 118 of the Code of Alabama of 1940, in that said suit was not instituted in the County in which Letters of Administration were issued to the Defendant.
4. That the proper venue of a suit against your Defendant as Administrator is in the Circuit Court of Escambia County, Alabama, the County in which Letters of Administration were issued to your Defendant.
5. That this suit was commenced against your Defendant less than six months after the granting of Letters of Administration to him by the Probate Court of Escambia County, Alabama, and your Administrator has not given notice of the disallowance of the claim embodied in this suit.

6. That this suit was commenced against Alvin Crawford as Administrator of the Estate of James Terry Taylor, Jr., in the Probate Court of Escambia County, Alabama, less than six months after the granting of Letters of Administration to him and without the disallowance of the claim embodied in this suit by him as such Administrator.

7. That no claim has been filed in the Probate Court of Escambia County, Alabama, against the estate of James Terry Taylor, Jr., Deceased, or your Defendant as Administrator of such Estate.

8. That no claim has been filed as required by law against the Estate of James Terry Taylor, Jr., Deceased, or against your Defendant as Administrator of such Estate.

Respectfully submitted,

DAVIES & WILLIAMS

and

CHASON & STONE

By: Norborne C. Stone

As Attorneys for J. Luther Mills, Sheriff of Escambia County, Alabama, as Administrator of the Estate of James Terry Taylor, Jr., Deceased.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, G. Mac HUMPHRIES, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone who is known to me and who, after being by me, first duly and legally sworn, did depose and say under oath as follows:

That he is one of the attorneys for the Defendant in the above styled cause and that he has knowledge of the facts alleged in the foregoing plea and that they are true and correct.

Dated this 26th day of November, 1954.

Sworn to and subscribed
before me this 26th day of
November, 1954.

G. Mac Humphries
Notary Public, Baldwin County, Ala.

Norborne C. Stone

FILED

11-26-54

WILLIAM L. BICK, JR.

BESSIE McKISSACK GILBERT, as Admin-
istratrix of the Estate of ELMAS
DEAN McKISSACK, Deceased,

Plaintiff,

vs.

J. LUTHER MILLS, Sheriff of Escambia
County, Alabama, as Administrator of
the Estate of JAMES TERRY TAYLOR, JR.
Deceased,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2253

PLEA IN ABATEMENT

Filed 11-26-54
Wesley A. Church
Clerk.

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

BESSIE McKISSACK GILBERT, as
Administratrix of the Estate
of Elmas Dean McKissack, De
ceased,

Plaintiff,

VS.

J. LUTHER MILLS, Sheriff of Es-
cambia County, Alabama, as Ad-
ministrator of the Estate of
James Terry Taylor, Jr., Deceased,

Defendant.

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

MOTION TO QUASH SERVICE

Comes now the Defendant in the above styled cause, by his attorneys, and appearing specially for the purpose of filing this Motion and for no other or different object or purpose, and moves this Honorable Court to quash the service heretofore had on July 20, 1954, by the Deputy Sheriff of Escambia County, Alabama, and as grounds for said Motion assigns the following, separately and severally:

1. That service was not had upon said Defendant as required by law.
2. That there was no summons executed by the Clerk of the Circuit Court of Baldwin County, Alabama, directing any officer of the State of Alabama to command the Defendant herein to appear in this cause.
3. That the amended complaint filed in this cause on July 12, 1954, was improperly served by Leo Mills, Deputy Sheriff.

FILED

8-16-54

PAGE 4. QUICK. CONT.

DAVIES & WILLIAMS

and

CHAS ON & STONE

By:

By: Melanie S. Stone

BESSIE McKISSACK GILBERT, As Ad-
ministratrix of the Estate of
Elmas Dean McKissack, Deceased,

Plaintiff,

vs.

J. LUTHER MILLS, Sheriff of Es-
cambia County, Alabama, as Ad-
ministrator of the Estate of James
Terry Taylor, Jr., Deceased,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

MOTION TO QUASH SERVICE

FILED

AUG 16 1954
LAW OFFICES

CHASONICK & BONE
BAY MINETTE, ALABAMA

BESSIE McKISSACK GILBERT, as
Administratrix of the Estate
of Elmas Dean McKissack, Deceased,

Plaintiff,

vs.

ALVIN CRAWFORD, as Administrator
of the Estate of James Terry
Taylor, Jr., Deceased,

Defendant.

I

I

I

I

I

I

I

I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. _____

Now comes Alvin Crawford, formerly Administrator of the
Estate of James Terry Taylor, Jr., Deceased, and appearing specially
for the purpose of filing this plea and for no other purpose and
respectfully shows to the Court as follows:

That the said Alvin Crawford was appointed Administrator
of the Estate of James Terry Taylor, Jr., Deceased, by the Probate
Court of Escambia County, Alabama, on, to-wit, May 3, 1954, and
that he was acting as such Administrator when the summons and
complaint in this cause was served upon him on, to-wit, May 16,
1954; Alvin Crawford further shows to the Court that on, to-wit,
June 4, 1954, he resigned as Administrator of the Estate of James
Terry Taylor, Jr., Deceased, and that on said date Letters of
Administration in said Estate were issued by the Probate Court of
Escambia County, Alabama, to J. Luther Mills, Sheriff of Escambia
County, as Administrator of said Estate.

WHEREFORE, said Alvin Crawford avers that this suit should
be abated or dismissed as to Alvin Crawford as Administrator of the
Estate of James Terry Taylor, Jr., Deceased.

Davies & Williams

and

Chas. E. Silva

Attorneys for Alvin Crawford,
formerly ~~an~~ Administrator of the
Estate of James Terry Taylor, Jr.,
Deceased.

STATE OF ALABAMA

BALDWIN COUNTY

BOOK 006 PAGE 142

Personally appeared before me, the undersigned authority in and for said State and County, Marvin Williams, Jr., who being by me first duly sworn, on oath deposes and says that he is one of the attorneys for the above Defendant and that he has knowledge of the facts and that the foregoing averments are true and correct.

Marvin Williams, Jr.

Sworn to and subscribed before me this 11th day of June, 1954.

Marlene P. Starnes
Notary Public, Baldwin County, Alabama

FILED

6-11-54

ALICE J. GUCK, Clerk

BESSIE MCKISSACK GILBERT, As
Administratrix of the Estate of
Elmas Dean McKissack, Deceased,

Plaintiff,

vs.

ALVIN CRAWFORD, As Administrator
of the Estate of James Terry
Taylor, Jr., Deceased,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. _____

PLA IN ABATEMENT

Filed this 17th day of June, 1954.

Miss J. L. L. L.
Clerk.

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

IN THE MATTER OF THE ESTATE OF) IN THE PROBATE COURT OF
JAMES TERRY TAYLOR, JR., DECEASED.) ESCAMBIA COUNTY, ALABAMA.

TO ANY SHERIFF OF THE STATE OF ALABAMA GREETINGS:

Whereas on the 25th day of May, 1954 Agnes D. Taylor and J. T. Taylor, Sr., filed in this court their application in writing and under oath praying for an order of the court to revoke letters of administration heretofore granted to Alvin Crawford on the estate of James Terry Taylor, Jr., deceased.

Now there are therefore to command you to summons Alvin Crawford, the administrator of said estate, to be and appear before me the Judge of Probate of Escambia County, Alabama, at my office on the 4th day of June, 1954 at 10 A. M., and then and there to show cause why letters of administration heretofore granted to him on said estate should not be revoked.

And have you then and there this writ with your endorsement thereon in what manner you have executed same.

Witness my hand and seal this 25th day of May, 1954.

Reo Kirkland

Judge of Probate

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. Luther Mills, as Administrator of the Estate of James Terry Taylor, Jr., deceased, 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 Bessie McKissack Gilbert, as Administratrix of the Estate of Elmas Dean McKissack.

WITNESS my hand, this ____ day of August, 1954.

Clerk

AMENDED COMPLAINT

BESSIE MCKISSACK GILBERT, as
Administratrix of the Estate
of Elmas Dean McKissack, Deceased,

PLAINTIFF,

VS

ALVIN CRAWFORD, as Administrator
of the Estate of James Terry
Taylor, Jr., Deceased,

DEFENDANT.

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

Comes the Plaintiff in the above styled cause and amends her complaint heretofore filed against the Estate of James Terry Taylor, Jr., deceased to read as follows:

BESSIE MCKISSACK GILBERT, as
Administratrix of the Estate
of Elmas Dean McKissack, deceased,

PLAINTIFF,

VS

J. LUTHER MILLS, Sheriff of
Escambia County, Alabama, as
Administrator of the Estate of
James Terry Taylor, Jr., deceased,

DEFENDANT.

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

1.

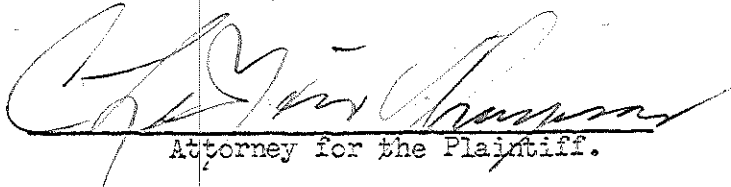
Plaintiff claims of the Defendant the sum of Fifteen Thousand (\$15,000.00) Dollars as damages for that on, to-wit: The 7th day of November, 1953, the Defendant, James Terry Taylor, Jr., of Atmore, Alabama, so negligently operated a motor vehicle on U. S. Highway No. 21 at a point, to-wit: On the bridge over the Apalachee River toward the East end of said bridge, being on Mobile Bay Causeway in Baldwin County, Alabama, so as to cause or allow

said motor vehicle to run against, over or upon the automobile operated by Herman William Powell, in which automobile Plaintiff's intestate was a guest or passenger of the said Herman William Powell and as a proximate result of which negligence of said Defendant Plaintiff's intestate suffered injuries from which he died, all to the damage of the Plaintiff as aforesaid.

2.

Plaintiff claims of the Defendant the sum of Fifteen Thousand (\$15,000.00) Dollars as damages for that on, to-wit: The 7th day of November, 1953, the Defendant, James Terry Taylor, Jr., of Atmore, Alabama, with reckless indifference to consequences, willfully and wantonly operated a motor vehicle on U. S. Highway No. 31 at a point, to-wit: On the bridge over the Apalchee River toward the East end of said bridge being on Mobile Bay Causeway in Baldwin County, Alabama, at said time and place being conscious at the time that his conduct in so doing would probably result in disaster caused said motor vehicle to run against, over or upon the automobile operated by Herman William Powell, in which automobile Plaintiff's intestate was a guest or passenger of the said Herman William Powell as a proximate result of which negligence of said Defendant Plaintiff's intestate suffered injuries from which he died, all to the damage of the Plaintiff as aforesaid.

Wherefore Plaintiff brings this suit and ask judgment in this amount.


Attorney for the Plaintiff.

BOOK 006 PAGE 139

AMENDED COMPLAINT

BESSIE MCKISSACK GILBERT, as
 Administratrix of the Estate
 of Elmas Dean McKissack, Deceased,

PLAINTIFF,

VS

ALVIN CRAWFORD, as Administrator
 of the Estate of James Terry
 Taylor, Jr., Deceased,

DEFENDANT.

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

Comes the Plaintiff in the above styled cause and amends her
 complaint heretofore filed against the Estate of James Terry Taylor,
 Jr., deceased to read as follows:

BESSIE MCKISSACK GILBERT, as
 Administratrix of the Estate
 of Elmas Dean McKissack, Deceased,

PLAINTIFF,

VS

J. LUTHER MILLS, Sheriff of Escambia
 County, Alabama, as Administrator
 of The Estate of James Terry Taylor,
 Jr., Deceased.

DEFENDANT.

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

1.

Plaintiff claims of the Defendant the sum of Fifteen Thousand (\$15,000.00) Dollars as damages for that on, to-wit: The 7th day of November, 1953, the defendant, James Terry Taylor, Jr., of Atmore, Alabama so negligently operated a motor vehicle on U. S. Highway No. 31 at a point, to-wit: On the bridge over the Apalachee River toward the East end of said bridge, being on Mobile Bay Causeway in Baldwin County, Alabama, so as to cause or allow said motor vehicle to run against, over or upon the automobile operated by Herman William Powell, in which automobile plaintiff's intestate was a guest or passenger of the said Herman William Powell and as a proximate result of which negligence of said defendant plaintiff's intestate suffered injuries from which he died, all to the damage of the Plaintiff as aforesaid.

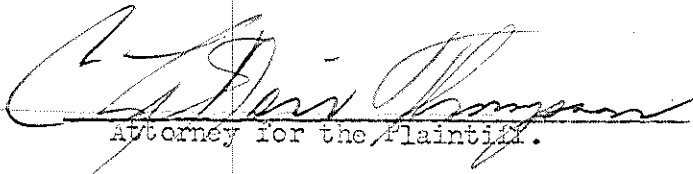
Plaintiff claims of the Defendant the sum of Fifteen Thousand (\$15,000.00) Dollars as damages for that on, to-wit: The 7th day of November, 1953, the defendant, James Terry Taylor, Jr., of Atmore, Alabama, with reckless indifference to consequences, willfully and wantonly operated a motor vehicle on U. S. Highway No. 31 at a point, to-wit: On the bridge over the Amalchee River toward the East end of said bridge being on Mobile Bay Causeway in Baldwin County, Alabama, at said time and place being conscious at the time that his conduct in so doing would probably result in disaster caused said motor vehicle to run against, over or upon the automobile operated by Herman William Powell, in which automobile Plaintiff's intestate was a guest or passenger of the said Herman William Powell and as a proximate result of which negligence of said defendant plaintiff's intestate suffered injuries from which he died, all to the damages of the Plaintiff as aforesaid.

Wherefore Plaintiff brings this suit and ask judgment in this amount.

FILED

6-12-54

ALICE J. DUCK, Clerk


Attorney for the Plaintiff.

STATE OF ALABAMA

BOOK 006 PAGE 134

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Alvin Crawford, as Administrator of the Estate of James Terry Taylor, Jr., deceased, 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 Bessie McKissack Gilbert, as Administratrix of the Estate of Elmas Dean McKissack.

WITNESS my hand, this 12th day of May, 1954.

Bessie J. McKissack
Clerk.

BESSIE MCKISSACK GILBERT, as
Administratrix of the Estate
of Elmas Dean McKissack, deceased,

PLAINTIFF,

VS

ALVIN CRAWFORD, as administrator
of the Estate of James Terry Taylor,
Jr., deceased.

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

1.

Plaintiff claims of the Defendant the sum of Fifteen Thousand (\$15,000.00) Dollars as damages for that on, to-wit: The 7th day of November, 1953, the defendant, James Terry Taylor, Jr., of Atmore, Alabama so negligently operated a motor vehicle on U. S. Highway No. 31 at a point, to-wit: On the bridge over the Apalachee River toward the East end of said bridge, being on Mobile Bay Causeway in Baldwin County, Alabama, so as to cause or allow said motor vehicle to run against, over or upon the automobile operated by Herman William Powell, in which automobile plaintiff's intestate was a guest or passenger of the said Herman William Powell and as a proximate result of which negligence of said defendant plaintiff's intestate suffered injuries from which he died, all to the damage of the Plaintiff as aforesaid.

2.

Plaintiff claims of the Defendant the sum of \$15,000.00 as damages for that on, to-wit: The 7th day of November, 1953, the defendant, James Terry Taylor, Jr., of Atmore, Alabama, with reckless indifference to consequences, willfully and wantonly operated a motor vehicle on U. S. Highway No. 31 at a point, to-wit: On the bridge over the Apalachee River toward the East end of said bridge, being on Mobile Bay Causeway in Baldwin County, Alabama, at said time and place

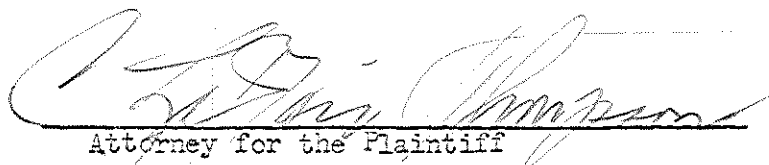
being conscious at the time that his conduct in so doing would probably result in disaster caused said motor vehicle to run against, over or upon the automobile operated by Herman William Powell, in which automobile Plaintiff's intestate was a guest or passenger of the said Herman William Powell and as a proximate result of which negligence of said defendant plaintiff's intestate suffered injuries from which he died, all to the damages of the Plaintiff as aforesaid.

Wherefore Plaintiff brings this suit and ask judgment in this amount.

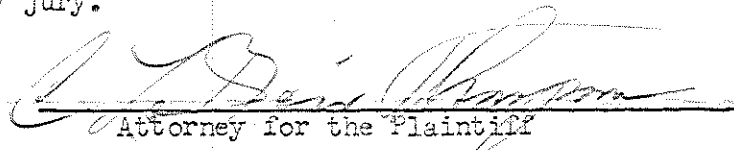
FILED

5-12-54

JOSE L. GUCK. Clerk


Attorney for the Plaintiff

Plaintiff demands a trial by jury.


Attorney for the Plaintiff

AMENDED COMPLAINT

BESSIE McKISSACK GILBERT, as
Administratrix of the Estate
of Elmas Dean McKissack, Deceased,

PLAINTIFF,

VS

ALVIN CRAWFORD, as Administrator
of the Estate of James Terry
Taylor, Jr., Deceased,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Comes the Plaintiff in the above styled cause and amends her
complaint heretofore filed against the Estate of James Terry Taylor,
Jr., deceased to read as follows:

BESSIE McKISSACK GILBERT, as
Administratrix of the Estate
of Elmas Dean McKissack, Deceased,

PLAINTIFF,

VS

J. LUTHER MILLS, Sheriff of Escambia
County, Alabama, as Administrator
of The Estate of James Terry Taylor,
Jr., Deceased.

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

1.

Plaintiff claims of the Defendant the sum of Fifteen Thousand (\$15,000.00)
Dollars as damages for that on, to-wit: The 7th day of November, 1953, the
defendant, James Terry Taylor, Jr., of Atmore, Alabama so negligently oper-
ated a motor vehicle on U. S. Highway No. 31 at a point, to-wit: On the
bridge over the Apalachee River toward the East end of said bridge, being
on Mobile Bay Causeway in Baldwin County, Alabama, so as to cause or
allow said motor vehicle to run against, over or upon the automobile oper-
ated by Herman William Powell, in which automobile plaintiff's intestate
was a guest or passenger of the said Herman William Powell and as a proxi-
mate result of which negligence of said defendant plaintiff's intestate
suffered injuries from which he died, all to the damage of the Plaintiff
as aforesaid.

Plaintiff claims of the Defendant the sum of Fifteen Thousand (\$15,000.00) Dollars as damages for that on, to-wit: The 7th day of November, 1953, the defendant, James Terry Taylor, Jr., of Atmore, Alabama, with reckless indifference to consequences, willfully and wantonly operated a motor vehicle on U. S. Highway No. 31 at a point, to-wit: On the bridge over the Apalchee River toward the East end of said bridge being on Mobile Bay Causeway in Baldwin County, Alabama, at said time and place being conscious at the time that his conduct in so doing would probably result in disaster caused said motor vehicle to run against, over or upon the automobile operated by Herman William Powell, in which automobile Plaintiff's intestate was a guest or passenger of the said Herman William Powell and as a proximate result of which negligence of said defendant plaintiff's intestate suffered injuries from which he died, all to the damages of the Plaintiff as aforesaid.

Wherefore Plaintiff brings this suit and ask judgment in this amount.

Attorney for the Plaintiff.