

2463

VERLEE McQUEEN, A Minor,
suing by ALICE M. McQUEEN,
as next friend,

Plaintiff,

VS.

J. LUTHER MILLS, As Admin-
istrator of the Estate of
James Terry Taylor, Jr.,
Deceased,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

D E M U R R E R .

Comes now the Plaintiff in the above styled cause and demurs to the amended plea and abatement heretofore filed in said cause, and for grounds for said demurrer sets forth and assigns the following:

1. That the things and matters alleged in said plea do not, as a matter of law, constitute grounds for abating this cause.

Julian J. Madlewsky
Attorney for Plaintiff.

I certify that I have this 10th day of February, 1955, provided a copy of the above Demurrer to Hon. Norborne C. Stone.

Julian J. Madlewsky

BOOK 002 PAGE 383

as this litigation and which suit was not dismissed until December 21, 1954.

Respectfully submitted,

DAVIES & WILLIAMS

and

CHASON & STONE

By: Norborne C. Stone
Attorneys for J. Luther Mills,
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 amendment and that they are true and correct.

Dated this 14th day of January, 1955.

Norborne C. Stone
(Norborne) C. Stone

Sworn to and subscribed

before me this 14th day of
January, 1955.

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

FILED

JAN 14 1955

ALICE J. DUCK, Clerk

VERLIE McQUEEN, A Minor,
suing by ALICE N. McQUEEN,
as next friend,

Plaintiff,

vs.

J. LUTHER MILLS, As Admin-
istrator of the Estate of
James Terry Taylor, Jr.,
Deceased,

Defendant.

X

X

X IN THE CIRCUIT COURT OF

X BALDWIN COUNTY, ALABAMA

X

AT LAW

X

X

X

PLEA IN ABATEMENT

Comes now the Defendant, J. Luther Mills, 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.

Respectfully submitted,

DAVIES & WILLIAMS

and

CHASON & STONE

By: Melvin P. Stone
Attorneys for J. Luther Mills, 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 6th day of January, 1955.

Norborne C. Stone
Norborne C. Stone

Sworn to and subscribed

before me this 6th day of
January, 1955.

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

BOOK

002
PAGE 381

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VERLIE McQUEEN, A Minor, suing by
ALICE M. McQUEEN, as next friend,

Plaintiff,

vs.

J. LUTHER MILLS, As Administrator
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Jr., Deceased,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

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PIMA IN ABATEMENT

FILED

JAN 6 1955

ALICE J. BUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

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 VERLEE McQUEEN, a Minor, SUING BY ALICE M. McQUEEN, AS NEXT FRIEND.

Witness my hand this 7th day of Dec, 1954.

C L E R K.

[illegible]

C O M P L A I N T

VERLEE McQUEEN, A MINOR, SUING

BY ALICE M. McQUEEN, AS NEXT
FRIEND.

Plaintiff,

VS.

J. LUTHER MILLS, AS ADMINIS-
TRATOR OF THE ESTATE OF JAMES
TERRY TAYLOR, JR., DECEASED.

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

NO. _____

C O U N T O N E.

The plaintiff claims of the defendant the sum of TEN THOUSAND (\$10,000.00) DOLLARS, as damages, for that, heretofore, on to-wit: the 7th day of November, 1953, at about, to-wit: 5:00 P. M., the plaintiff was riding as a passenger in an automobile on a public highway, vix: U. S. Highway No. 31 and 90, in Baldwin County, Alabama, at a point on the East end of Applachee River Bridge, about 4.8 miles east of the City Limits of Mobile, Alabama, where she had a right to be, and the Deceased, JAMES TERRY TAYLOR, JR., so negligently operated an automobile, which he was then and there driving, as to cause said automobile he was operating to run over, upon or against the auto-

mobile in which plaintiff was then and there riding as a passenger; and plaintiff avers that as a proximate consequence thereof she suffered serious and permanent injuries to her face, head, limbs and body; she suffered multiple cuts, bruises, abrasions and lacerations about her face, head, limbs and body; she was made sick, sore, lame and disordered; she was cause to suffer great and permanent mental and physical anguish; she was caused to suffer a severe concussion of the brain; her left knee was dislocated, and the dislocation compounded, and was permanently injured; her right femur was broken and permanently injured; her right tibia was broken and permanently injured; both of her ankles were bruised and sprained and permanently injured; she was caused to lose much time from her work and suffered great financial loss as a result thereof; and plaintiff was caused to spend large sums of money for doctors' bills, hospital bills, and nurses' bills, and for medical attention and medical supplies in and about the treatment of the injuries which plaintiff received, all to the damage of the plaintiff as aforesaid. And plaintiff avers that all of her damages were proximately caused by the said negligence of the Deceased, JAMES TERRY TAYLOR, JR., in and about the negligent operation of said automobile at the time and place and on the occasion aforesaid; wherefore she sues.

Jellair A. Mashburn, Jr.
Atty. for Plaintiff

Plaintiff respectfully requests that this cause be tried by a jury.

Jellair A. Mashburn, Jr.
Atty. for Plaintiff