

3350

MERCHANTS NATIONAL BANK OF MOBILE
As Executor Under the Last Will and
Testament of Allen W. Ferrill,
Deceased,

Plaintiff,

vs.

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, As Administrator
of the Estate of Artie L. Smith,
Deceased; MORRISON CAFETERIA COMPANY,
INC., a corporation; MORRISON MER-
CHANDISING CORPORATION OF LOUISIANA,
a corporation; and XYZ CORPORATION, —
whose name is to the Plaintiff other-
wise unknown, but who is the party
for whom Ely G. McMillan was operat-
ing a truck on U. S. Highway 90 near
Robertsdale, Alabama, on October 19th,
1955, at the time of the accident in
which the Plaintiff's testator re-
ceived injuries of which he died,

Defendants.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY

ALABAMA

AT LAW

#

COUNT ONE

Plaintiff claims of the Defendants, the sum of One Hun-
dred Thousand (\$100,000.00) Dollars as damages for that on to wit:
the 19th day of October, 1955, the said Artie L. Smith so negli-
gently operated an automobile in a westwardly direction on and
along U. S. Highway 90, a public highway in Baldwin County, Alabama,
at a point near Robertsdale in said State and County, as to cause
or allow the same to run into, upon or against the automobile of
Plaintiff's testator, Allen W. Ferrill, in which Plaintiff's tes-
tator was travelling in an eastwardly direction on and along said
public highway; and the Defendants, Morrison Cafeteria Company, Inc.,
a corporation, Morrison Merchandising Corporation of Louisiana, a
corporation, and XYZ Corporation, whose name is to the Plaintiff
otherwise unknown, but who is the party for whom Ely G. McMillan
was operating a truck on U. S. Highway 90 near Robertsdale, Alaba-
ma, on October 19th, 1955, at the time of the accident in which
the Plaintiff's testator received injuries of which he died, at
said time and place, each acting by and through its agent, servant
or employee, Ely G. McMillan, who was then and there acting within
the line and scope of his employment as such agent, servant or

employee, so negligently operated an automobile, truck or motor vehicle in a westwardly direction on and along said highway, as to cause or allow the said automobile then and there being operated by the said Artie L. Smith to run into, upon or against the automobile of the Plaintiff's testator in which he was then and there riding; and as a proximate result of the negligence of said Defendants as aforesaid, the Plaintiff's testator, Allen W. Ferrill, received personal injuries from which he died on, to wit: the 28th day of October, 1955, and the automobile of Plaintiff's testator, Allen W. Ferrill, was badly bent, broken, crushed and damaged in and about its front, sides and rear, hence this suit.

Artie L. Smith is dead, and letters of administration upon said estate were issued by the Probate Court of Baldwin County, Alabama, to Taylor Wilkins, Sheriff of Baldwin County, Alabama, on October 10th, 1957, and the Plaintiff filed claim against the Estate of Artie L. Smith, deceased, in the Probate Court of Baldwin County, Alabama, for the damages sued for in this suit, said claim being filed on the 12th day of October, 1957.

COUNT TWO

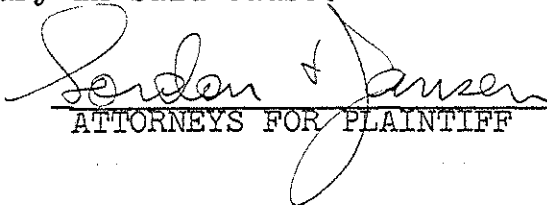
Plaintiff claims of the Defendants the sum of One Hundred Thousand (\$100,000.00) Dollars as damages for that Artie L. Smith, intestate of the Defendant Taylor Wilkins, Sheriff of Baldwin County, Alabama, as Administrator of the Estate of Artie L. Smith, deceased, and the Defendant Morrison Cafeteria Company, Inc., a corporation, and the Defendant Morrison Merchandising Corporation of Louisiana, a corporation, and the Defendant, XYZ Corporation, whose name is to the Plaintiff otherwise unknown, but is the party for whom Ely G. McMillan was operating a truck on U. S. Highway 90 near Robertsdale, Alabama, on October 19th, 1955, at the time of the accident in which the Plaintiff's testator received injuries of which he died, did on the 19th day of October, 1955, at a point on or along U. S. Highway 90 in Baldwin County, Alabama, near Robertsdale, then and there willfully or wantonly injure the

the Plaintiff's testator and damage the Plaintiff's testator's automobile by willfully or wantonly causing or allowing an automobile to run into, over or against the Plaintiff's testator's automobile in which the Plaintiff's testator was riding, and as a proximate result of said willful or wanton acts of the Defendants the Plaintiff's testator received injuries of which he died, and the automobile of the Plaintiff's testator was badly bent, broken, crushed and otherwise damaged about its front, sides and rear, all of which said damages were the proximate result of said willful and wanton acts of the Defendants, wherefore this suit.

Artie L. Smith is dead, and letters of administration upon said estate were issued by the Probate Court of Baldwin County, Alabama, to Taylor Wilkins, Sheriff of Baldwin County, Alabama, on October 10th, 1957, and the Plaintiff filed claim against the Estate of Artie L. Smith, deceased, in the Probate Court of Baldwin County, Alabama, for the damages sued for in this suit, said claim being filed on the 18th day of October, 1957.


ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial by jury in said cause.


ATTORNEYS FOR PLAINTIFF

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3350

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Taylor Wilkins, Sheriff of Baldwin County, Alabama,

as Administrator of the Estate of Artie L. Smith, Deceased; MORRISON CAFETERIA COMPANY, INC., a

Corporation; MORRISON MERCHANDISING CORPORATION OF LOUISIANA, a corporation; and XYZ CORPORATION

whose name is to the Plaintiff otherwise unknown, but who is the party for whom Ely G. McMillan
was operating a truck on U.S. Highway 90 near Robertsdale, Alabama, on October 19th, ~~1954~~ 1955,
at the time of the accident in which the Plaintiff 's testator received injuries of which he died.
to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against _____

Taylor Wilkins, Sheriff of Baldwin County, etal, Defendant

by Merchants National Bank of Mobile as Executor under the last will and Testament

of Alben W. Ferrill, Deceased., Plaintiff.....

Witness my hand this 12 day of October 1957...

Avery J. Smith, Clerk

MERCHANTS NATIONAL BANK OF MOBILE,)	IN THE CIRCUIT COURT
As Executor under the Last Will)	
and Testament of Allen W. Ferrill,)	OF BALDWIN COUNTY,
Deceased,)	
)	ALABAMA
Plaintiff,)	
)	AT LAW
vs.)	
)	
TAYLOR WILKINS, Sheriff of Baldwin)	
County, Alabama, As Administrator)	
of the Estate of Artie L. Smith,)	
Deceased, et al.,)	
)	
Defendants.)	CASE NO. 3350

PLEA IN ABATEMENT

Comes now each of the defendants in the above cause, Morrison Cafeteria Company, Inc., a corporation; Morrison Merchandising Corporation of Louisiana, a corporation; and XYZ Corporation, separately and severally, and appears solely and specially for the purpose of filing the following separate and several pleas in abatement and for no other purpose, and, pleading in abatement, each of said defendants does separately and severally say the following:

1. That the true name of the named defendant "Morrison Merchandising Corporation of Louisiana" is not as set forth in said complaint, but that its true name is now, was at the time of the commencement of this suit and has been at all times since then, "Morrison Merchandising Corporation of Louisiana, Inc." and that it is now, was at the time of the commencement of this suit and has been at all times since then, a corporation, all of which is hereby verified.

2. That there is not now, was not at the time of the commencement of this suit and has not been at any time since then any such defendant corporation as "XYZ Corporation."

3. That plaintiff cannot maintain this suit, for that, at the time and place of the alleged accident, as the proximate result of

which plaintiff alleges its intestate received injuries causing his death and for which plaintiff seeks to recover damages against this defendant, plaintiff's said intestate was an employee of and then and there was performing his duties as such employee of Allied Mills, Inc., a corporation. That at said time and place plaintiff's intestate and his said employer were both subject to and amenable to provisions of the Workmen's Compensation Act of Alabama; that plaintiff's said intestate left surviving him as his sole dependant, his wife, to-wit, Willie L. Ferrill, who is and was entitled to compensation under said act. Said defendant further avers that it is a third party or party other than the employer of plaintiff's intestate and that there is asserted against said defendant in this suit an alleged legal liability for the death of said intestate; that, under the terms of said Workmen's Compensation Act of Alabama, plaintiff does not have the right to sue said defendant but, on the contrary, said right is expressly given to others than the plaintiff, and further, that in recognition of this, the said Willie L. Ferrill, as surviving dependant of Allen W. Ferrill, deceased, has filed suit against said defendant in this court in an action styled Willie L. Ferrill, as surviving dependant of Allen W. Ferrill, Deceased, Plaintiff, versus Taylor Wilkins, et al., Defendants, being Case No. 3356, which said case is presently pending. Wherefore, said defendant says that plaintiff cannot maintain this suit.

HAND, ARENDALL & BEDSOLE

By: Paul W. Brock
Attorneys for said Defendants

STATE OF ALABAMA:

COUNTY OF MOBILE:

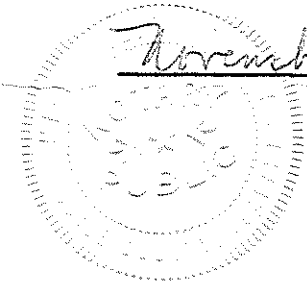
Before me, Henry Elmer H. Toomey, a Notary Public in and for

said County in said State, personally appeared E. C. Outlaw
_____, who, being duly sworn, deposes and says that he is
the Secretary - Treasurer of Morrison Cafeteria Company, Inc.
and of Morrison Merchandising Corporation of Louisiana, Inc. and is
authorized to make this affidavit; that he is cognizant of the facts
set forth in the above and foregoing Pleas in Abatement 1. and 2. and
that said facts are true and correct; that he is informed and be-
lieves, and, based upon such information and belief, does say that
the facts set forth in the above and foregoing Plea 3. in Abatement
are true and are matters of record in said court.

E. H. Cresson

Subscribed and sworn to before me on this, the 14th day of November, 1957.

Harry Elbert Jones
Notary Public, Mobile County, Alabama



MERCHANTS NATIONAL BANK OF MOBILE
As Executor under the last will and
Testament of Allen W. Ferrill,
Deceased,

Plaintiff,

vs.

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, As Administrator
of the Estate of Artie L. Smith,
Deceased; MORRISON CAFETERIA COMPANY,
INC., a corporation; MORRISON MER-
CHANDISING CORPORATION OF LOUISIANA,
a corporation; and XYZ CORPORATION,
whose name is to the Plaintiff other-
wise unknown, but who is the party
for whom Ely G. McMillan was operat-
ing a truck on U. S. Highway 90 near
Robertsdale, Alabama, on October 19th,
1955, at the time of the accident in
which the Plaintiff's testator
received injuries of which he died,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 3550

Comes the defendant, Taylor Wilkins, Sheriff of Baldwin
County, Alabama, as Administrator of the estate of Artie L. Smith,
deceased, and files the following motions:

FIRST MOTION

Said defendant moves to strike from Count One of the
complaint that portion thereof appearing near the end of the
first paragraph of said Count which read as follows:

"and the automobile of Plaintiff's testator, Allen W.
Ferrill, was badly bent, broken, crushed and damaged
in and about its front, sides and rear,"

and for grounds for said motion this defendant assigns the follow-
ing separate and several grounds:

1. Because said portion of said count is irrelevant.
2. Because said portion of said count sets up elements
of damages not recoverable under the averments of the remainder
of said count.
3. Because it affirmatively appears from the allegations
of said count that any right to recover for said alleged property
damage is barred by the Statute of Limitations of one year applic-
able to such actions.

MERCHANTS NATIONAL BANK OF MOBILE
As Executor under the last will and
Testament of Allen W. Ferrill,
Deceased,

Plaintiff,

VS.

TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY, ALABAMA, As Administrator of the Estate of Artie L. Smith, Deceased; MORRISON CAFETERIA COMPANY, INC., a corporation; MORRISON MERCHANDISING CORPORATION OF LOUISIANA, a corporation; and XYZ CORPORATION, whose name is to the Plaintiff otherwise unknown, but who is the party for whom Ely G. McMillan was operating a truck on U. S. Highway 90 near Robertsedale, Alabama, on October 19th, 1955, at the time of the accident in which the Plaintiff's testator received injuries of which he died,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 3550

Comes the defendant, Taylor Wilkins, Sheriff of Baldwin County, Alabama, as Administrator of the estate of Artie L. Smith, deceased, and files the following motions:

FIRST MOTION

Said defendant moves to strike from Count One of the complaint that portion thereof appearing near the end of the first paragraph of said Count which read as follows:

"and the automobile of Plaintiff's testator, Allen W. Ferrill, was badly bent, broken, crushed and damaged in and about its front, sides and rear,"

and for grounds for said motion this defendant assigns the following separate and several grounds:

1. Because said portion of said count is irrelevant.
2. Because said portion of said count sets up elements of damages not recoverable under the averments of the remainder of said count.
3. Because it affirmatively appears from the allegations of said count that any right to recover for said alleged property damage is barred by the Statute of Limitations of one year applicable to such actions.

SECOND MOTION

Said defendant moves to strike from Count Two of the complaint those portions thereof, separately, appearing in the first paragraph of said Count which read as follows:

- A. "and damage the plaintiff's testator's automobile".
- B. "and the automobile of the plaintiff's testator was badly bent, broken, crushed and otherwise damaged about its front, sides and rear,"

and for grounds for said motion this defendant assigns the follow-separate and several grounds: Each ground hereinabove assigned to the First Motion herein.

THIRD MOTION

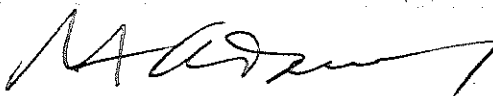
This defendant moves to strike the complaint, and each count thereof, separately, and as grounds for said motion assigns, separately and severally, the following:

1. Because there is now pending on the Law Docket of this Honorable Court cause #3356 filed by Willie L. Ferrill as surviving dependent of Allen W. Ferrill, deceased, against the same defendants in this cause for the wrongful death of the same Allen W. Ferrill, whose alleged wrongful death is made the basis of both suits.

2. Because there now exists a multiplicity of suits based upon the alleged wrongful death of Allen W. Ferrill.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By



Attorneys for Defendant, Taylor
Wilkins as Administrator

FILED
DEC 4 1957
ALICE A. BUCK, CLERK

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS
ATTORNEYS AT LAW
NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

MERCHANTS NATIONAL BANK OF MOBILE,
As Executor under the Last Will
and Testament of Allen W. Ferrill,
Deceased, PLAINTIFF

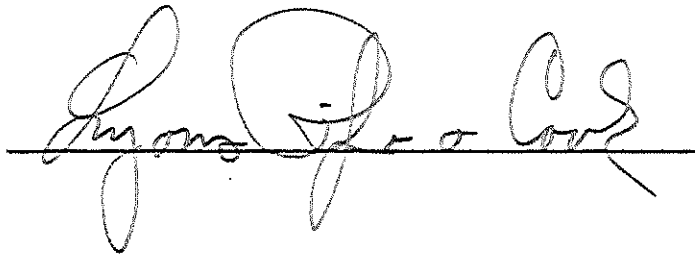
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA.

-vs-

)
)
TAYLOR WILKINS, Sheriff of Baldwin
County, Alabama, as Administrator
of the Estate of Artie L. Smith,
Deceased, et al., DEFENDANTS.)

AT LAW NO. 3350.

Come now LYONS, PIPES & COOK, Attorneys, and appear as
additional attorneys for the plaintiff in the above entitled cause.

A handwritten signature in cursive script, appearing to read "Lyons Pipes & Cook", is written over a horizontal line.

MERCHANTS NATIONAL BANK OF MOBILE
As Executor under the last will and
testament of Allen W. Ferrill,
Deceased,

Plaintiff,

vs.

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, as Administrator
of the estate of Artie L. Smith,
Deceased, et al,

Defendants.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW CASE NO. 3350

Comes the defendant, Taylor Wilkins, as the Administrator of the estate of Artie L. Smith, and demurs to plaintiff's complaint and to each Count thereof, separately and severally on the following separate and several grounds:

1. Because the complaint does not allege or show that Artie L. Smith violated a duty owed by him to plaintiff or to plaintiff's testator.

2. Because the complaint does not show that Artie L. Smith owed to plaintiff or plaintiff's testator a duty and that there was a breach of this duty proximately causing plaintiff's damage.

3. Because, for aught that appears, the act of allowing his automobile to run into, upon or against the automobile of plaintiff's testator was a lawful act.

4. Because the averment that "as a proximate result of the negligence of said defendants as aforesaid, the plaintiff's testator, Allen W. Ferrill, received personal injuries from which he died . . ." is a statement of a mere conclusion of the pleader.

5. Because, for aught that appears from the averments of the complaint, the collision between the automobile being operated by Artie L. Smith and the automobile being operated by Allen W. Ferrill resulted from causes beyond the control of Artie L. Smith.

6. Because it affirmatively appears from the allegations of the complaint that it was the negligent operation of the Morrison truck which caused or allowed the automobile being operated by Artie L. Smith to run into, upon or against the automobile of plaintiff's testator.

7. Because said complaint does not sufficiently show the nature of the negligence charged against Artie L. Smith.

This defendant demurs separately to Count Two of plaintiff's complaint upon the following additional separate and several grounds:

A. Because it does not appear from the averments of said Count that Artie L. Smith wantonly caused the injury to plaintiff's testator.

B. Because there is no averment in said Count of a wrongful act or omission on the part of Artie L. Smith whereby the injury to plaintiff's testator was caused.

C. Because it is not averred in said Count that the injury to plaintiff's testator was the proximate result of the alleged wantonness of Artie L. Smith.

D. Because no facts are set out in said Count which constitute wantonness on the part of Artie L. Smith.

E. Because the averment that Artie L. Smith willfully or wantonly injured the plaintiff's testator is but the statement of a conclusion of the pleader.

F. Because the averment that the defendant, Artie L. Smith, willfully or wantonly injured the plaintiff's testator by willfully or wantonly causing or allowing his automobile to run into, over or against the plaintiff's testator's automobile

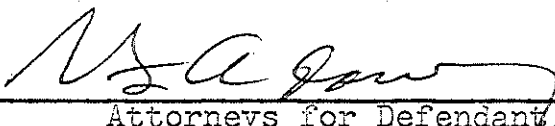
in which plaintiff's testator was riding does not show willful or wanton misconduct as a matter of law.

G. For that it does not appear from the averments of the complaint with sufficient certainty that the death of plaintiff's testator was caused by willful or wanton misconduct of Artie L. Smith.

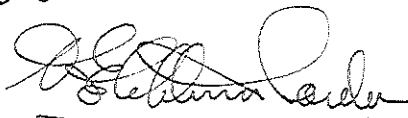
H. Because no facts are alleged which show the manner in which plaintiff's testator was injured.

I. For that it does not appear from the averments of the complaint that Artie L. Smith was conscious of his conduct and conscious from his knowledge of the existing conditions that injury to the plaintiff's testator would likely or probably result from his conduct and yet with reckless indifference to consequences consciously and intentionally did some wrongful act or omitted some known duty which produced the injurious results.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By 
Attorneys for Defendant,
Taylor Wilkins as Administrator

*Copy of the foregoing document
was sent on me this 4th day
of February, 1958*


Attorney for Plaintiff

FILED

FEB 5 1958

ALICE J. DUCK, Clerk

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

MERCHANTS NATIONAL BANK OF MOBILE
As Executor under the Last Will and
Testament of Allen W. Ferrill,
Deceased,

Plaintiff,

vs.

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, As Administrator
of the Estate of Artie L. Smith,
Deceased; MORRISON CAFETERIA COMPANY,
INC., a corporation; MORRISON MER-
CHANDISING CORPORATION OF LOUISIANA,
a corporation; and XYZ CORPORATION,
whose name is to the Plaintiff other-
wise unknown, but who is the party
for whom Ely G. McMillan was operat-
ing a truck on U. S. Highway 90 near
Robertsdale, Alabama, on October 19th,
1955, at the time of the accident in
which the Plaintiff's testator
received injuries of which he died,

Defendants.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY

ALABAMA, AT LAW

NO. 3550

Comes now Plaintiff in the above styled cause and
leave of court having been first had and obtained, amends its
complaint heretofore filed therein by correcting the name of the
defendant, Morrison Merchandising Corporation of Louisiana, so as
to make the same read as follows "Morrison Merchandising Corpora-
tion of Louisiana, Inc."

Sorden & Jensen
Attorneys for Plaintiff

ATTORNEYS FOR PLAINTIFF

Service accepted on this 20th day of Febr., 1958.
Paul W. Brock
N. Z. Adams

GORDON & JANSEN
ATTORNEYS AT LAW
1607-1610 MERCHANTS NATIONAL BANK BUILDING
MOBILE 11, ALABAMA

A. FLETCHER GORDON
VERNOL R. JANSEN, JR.

October 12, 1957

MEMO TO CIRCUIT CLERK OF BALDWIN
COUNTY, ALABAMA :

Dear Mrs. Duck,

Re: Merchants National Bank of
Mobile, as Executor etc.
v. Taylor Wilkins, Sheriff etc.

Please serve non resident defendants and XYZ Corpora-
tion in the above styled cause at the addresses shown on Complaint,
all at PO Box 9214, New Orleans 20, Louisiana, under the proceed-
ure provided by law and in the standard method through Secretary
of State.

Please also serve in the same manner, the defendant,
Ely G. McMillan in the companion suit, at his home address in-
dicated on the complaint, viz: 1308 Camp Street, New Orleans,
Louisiana.

Very truly Yours,

Gordon & Jansen

By 

AFG/g

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS (1900-1957)

SAM W. PIPES, III

WALTER M. COOK

FRANK T. POPE, JR.

September 3rd, 1958.

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

Re: Willie L. Ferrill v. Taylor Wilkins, et al.

Dear Mrs. Duck:

As one of the attorneys for the plaintiff we ask that the following suits be dismissed on motion of the plaintiff with the costs taxed against the defendants, and that the cost bills be forwarded to Mr. Paul Brock, Attorney at Law, First National Bank Bldg., Mobile, Ala. to-wit:

#3350, #3351, #3356, and #3357, Merchants National Bank of Mobile and Willie L. Ferrill v. Wilkins and McMillan.

Very truly yours,

LYONS, PIPES & COOK



Sam W. Pipes, III

SWP:ee

cc: Mr. R. F. Adams
Mr. Paul Brock
Gordon & Jansen
Attorneys at Law
Mobile, Alabama.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND
C. D. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.

September 2, 1958

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
HEMLOCK 2-5514

Hon. Alice Duck
Clerk, Circuit Court of Baldwin County
County Court House
Bay Minette, Alabama

Re: Merchants National Bank of Mobile, As Executor,
vs. Taylor Wilkins, As Administrator, et al.
being Case No. 3550, At Law;
Merchants National Bank of Mobile, As Executor,
vs. Ely G. McMillan, being Case No. 3351, At Law;
Willie L. Ferrill, et al. v. Taylor Wilkins, As
Administrator, et al., being Case No. 3356, At Law;
Willie L. Ferrill, et al. v. Ely G. McMillan,
being Case No. 3357, At Law

Dear Miss Duck:

Sam Pipes, III, Esquire, one of the attorneys representing the plaintiffs in each of the above causes, has informed me that these cases have now been dismissed in accordance with our settlement agreement. Would you please forward to me a certified copy of the entry of dismissal in each of the above cases. If you will send these to me, together with your statement for the preparation, I shall be glad to remit by return mail.

With personal regards and best wishes,

Yours very truly,



For the Firm

PB/js

October 21, 1957

MERCHANTS NATIONAL BANK OF MOBILE, As Executor Under
the Last Will and Testament of Allen W. Ferrill, IN THE CIRCUIT COURT OF BALDWIN
Deceased, Plaintiff COUNTY ALABAMA AT LAW

VS

MORRISON CAFETERIA COMPANY, INC., a corporation,
et al, Defendants

CASE NO. 3350

TO THE CIRCUIT COURT OF BALDWIN COUNTY ALABAMA AT LAW:

I, Mary Texas Hurt, Secretary of State, hereby certify that on October 16, 1957
I sent by registered mail in an envelope addressed as follows:

" Morrison Cafeteria Company, Inc.
Post Office Box 9214
New Orleans 20, Louisiana"

"Registered Mail—
Return Receipt Requested
~~MAIL NOT TO BE OPENED BY ANY~~

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of
the State of Alabama in words and figures as follows:

" Morrison Cafeteria Company, Inc.
Post Office Box 9214
New Orleans 20, Louisiana

You will take notice that on October 16, 1957 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: MERCHANTS NATIONAL BANK OF MOBILE, As Executor Under the Last
Will and Testament of Allen W. Ferrill, Deceased, Plaintiff VS MORRISON
CAFETERIA COMPANY, INC., a corporation, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY ALABAMA AT LAW
Case No. 3350 a true copy of which summons and complaint is attached hereto
and the said service upon me as Secretary of State of the State of Alabama has the force and
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 16
day of October 1957

Enclosure (1)

(Signed) Mary Texas Hurt
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed
as above set forth had attached to it a true copy of the summons and complaint in the above-styled
cause.

I further certify that on October 21, 1957 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Metairie, La.
on 10/18/57

WITNESS MY HAND and the Great Seal of the State of Alabama this the 21 day
of October 1957

Mary Texas Hurt Garner
Mary Texas Hurt
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.

cc: Messrs. Gordon & Jansen,
Attorneys at Law
Room 1607-1610 Merchants National
Bank Building
Mobile, Alabama

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No. 3350

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY, ALABAMA, as ad-

ministrator of the Estate of Artie L. Smith, Deceased; MORRISON CAFETERIA COMPANY, INC., a corp.

MORRISON MERCHANDISING CORPORATION OF LOUISIANA, a corp. and XYZ CORPORATION whose name is to the Plaintiff totherwise unknown, but who is the party for whom Ely G. McMillan was operating a tunch truck on U.S. Highway 90 near Robertsdale, Alabama, on October 19th, 1955, at the time of the accident in which the Plaintiff's testator received injuries of which he died.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against _____

Taylor Wilkins, Sheriff of Baldwin County, et al _____, Defendant

by Merchants National Bank of Mobile as Executor under the last will and testament

of Allen W. Ferrill, Deceased _____, Plaintiff.....

Witness my hand this 14 day of October 1957....

Reis J. Clark, Clerk

October 21, 1957

MERCHANTS NATIONAL BANK OF MOBILE, As Executor
Under the Last Will and Testament of Allen W.
Ferrill, Deceased, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY ALABAMA AT LAW

VS

MORRISON MERCHANDISING CORPORATION OF LOUISIANA,
et al, Defendants

CASE NO. 3350

TO THE CIRCUIT COURT OF BALDWIN COUNTY ALABAMA AT LAW:

I, Mary Texas Hurt, Secretary of State, hereby certify that on October 16, 1957
I sent by registered mail in an envelope addressed as follows:

"Morrison Merchandising Corporation
of Louisiana
Post Office Box 9214
New Orleans 20, Louisiana"

"Registered Mail—
Return Receipt Requested
~~XXXXXXXXXXXXXXXXXXXX~~

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of
the State of Alabama in words and figures as follows:

"Morrison Merchandising Corporation
of Louisiana
Post Office Box 9214
New Orleans 20, Louisiana

You will take notice that on October 16, 1957 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: MERCHANTS NATIONAL BANK OF MOBILE, As Executor Under the Last
Will and Testament of Allen W. Ferrill, Deceased, Plaintiff VS MORRISON
MERCHANDISING CORPORATION OF LOUISIANA, a corporation, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY ALABAMA AT LAW
Case No. 3350 a true copy of which summons and complaint is attached hereto
and the said service upon me as Secretary of State of the State of Alabama has the force and
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 16
day of October 1957

Enclosure (1)

(Signed) Mary Texas Hurt
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed
as above set forth had attached to it a true copy of the summons and complaint in the above-styled
cause.

I further certify that on October 21, 1957 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Metairie, La.
on 10/18/57

WITNESS MY HAND and the Great Seal of the State of Alabama this the 22 day
of October 1957

Mary Texas Hurt Garner
Mary Texas Hurt
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.

cc: Messrs. Gordon & Jansen, Attorneys at Law
Room 1607-1610 Merchants National Bank
Building
Mobile, Alabama

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
HEMLOCK 2-5514

October 16, 1958

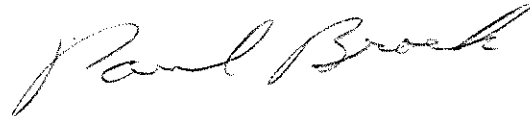
Mrs. Alice Duck, Clerk
Circuit Court of Baldwin County
County Court House
Bay Minette, Alabama

Re: Cases No. 3350, 3351, 3356 and 3357

Dear Mrs. Duck:

Enclosed are two checks totaling \$101.90 representing payment in full of the court costs in the above four cases. At your convenience, could you send us a letter advising that the suits have been dismissed and all costs paid.

Yours very truly,



For the Firm

PB/js

Encls.

cc: Robert F. Adams, Esquire
c/o McCorvey, Turner, Johnstone, Adams & May
Merchants National Bank Building
Mobile, Alabama

Dismissed 9-8-58

LYONS, PIPES & COOK
ATTORNEYS AT LAW
517 FIRST NATIONAL BANK BUILDING
MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK
FRANK T. POPE, JR.

December 24, 1957.

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

Re: Cases 3357, 3350, 3351, 3356
Willie L. Ferrill v. Taylor Wilkins, et al.
Merchants National Bank v. Taylor Wilkins, et al.

Dear Mrs. Duck:

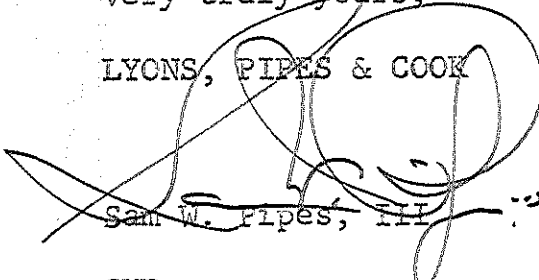
We enclose herewith copies of appearances by this firm as additional attorneys for the plaintiffs in Cases #3357, 3350, 3351 and 3356, all law, Circuit Court of Baldwin County, Ala. and ask that you file these appearances in each of said cases.

By copy of this letter we are forwarding copies of the appearances to the other attorneys for the plaintiff and the attorneys for the defendants.

We will sincerely appreciate receiving notice from you of the setting of the cases for argument upon the pleadings and for trial upon the merits.

Very truly yours,

LYONS, PIPES & COOK


Sam W. Pipes, III

SWP:ee

cc: Hand, Arendall & Bedsole.
Gordon & Jansen
McCorvey, Turner, Rogers, Johnstone & Adams