

FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administra-
tor of the Estate of Joseph
Roy Campbell, deceased,

Plaintiff.

versus

MATT H. MURPHY, JR., a minor,
and MRS. MARY M. THACH,

Defendants.

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

Now comes the plaintiff in the above entitled cause
and demurs, separately and severally, to the third, fourth, fifth,
sixth, seventh, eighth and ninth special pleas by the defendants
pleaded, that is to say:

Plaintiff demurs to the third plea upon the follow-
ing grounds:

1. Because the negligence attributed to the de-
ceased was that he drove the vehicle which he was operating in
part to the left of the center of the main travelled portion of
the highway at a rate of speed in excess of 45 miles per hour,
and it does not appear from the said plea that the main travelled
portion of said highway was of sufficient width to have made it
possible for him to have driven along the same without a small
portion of the vehicle which he was driving extending over the
center of the main travelled portion of the highway, nor is it
alleged in the said plea that the rate of speed at which the de-
ceased was driving was not careful, prudent and reasonable.

2. Because no facts are alleged in said plea
showing any negligence on the part of the deceased.

3. Because it does not appear from the said plea
that the main travelled portion of said highway was wide enough
to make it possible for the deceased to have driven an automo-
bile thereon without any portion thereof extending over the cen-
ter of the said main travelled portion.

1-a

3-a. Because it does not appear that the rate of speed at which this vehicle was driven was not a careful and prudent rate of speed under existing conditions, and it does not appear that the alleged fact that a part of the vehicle driven by the deceased was being driven on the left hand side of the center of the main travelled portion of the road would have contributed to the injury if the speed maintained had been less than forty-five miles per hour.

3-b. Because it does not appear from the said plea that the vehicle driven by the deceased was so driven that any portion thereof rested upon the said highway which was to the left of the center line in the direction in which the deceased was proceeding.

4. Because the said plea contains no allegation that the fact that the deceased drove said automobile with a portion thereof extending further to the left than the center of the main travelled portion of the highway, proximately contributed to the said injury without regard to the speed, nor is there any allegation showing that the automobile operated at any rate of speed which was not careful, prudent and reasonable under the conditions there prevailing.

5. Because it does not appear that there was room on the main travelled portion of the highway for the deceased to have driven his automobile thereon without any portion thereof extending over the center of the said main travelled portion of the highway, the allegation of the plea merely showing that there was room for him to have so driven his vehicle and to have remained on his own right hand side of the highway as distinguished from the main travelled portion thereof, and it nowhere appears in said plea that the right hand side of said highway to the right of the main travelled portion thereof was a safe condition over which to operate said vehicle.

6. Because there is no allegation in the plea showing that there was room on the right hand side of the center of the main travelled portion of the highway to make it possible to operate an automobile thereon without any portion of the automobile extending beyond the center of the main travelled portion thereof.

Plaintiff demurs to the fourth plea upon each of the grounds of demurrer hereinabove assigned to the third plea, and upon the following additional ground:

7. Because while it is alleged that there was ample room on that side for the said Joseph Roy Campbell to have driven the automobile which he was operating, it is not alleged that there was ample room for him to have done so without some portion of his automobile extending over the center ^{line} of the main travelled portion

of the said highway.

Plaintiff demurs to the fifth plea upon each of the grounds of demurrer hereinabove assigned to the third and fourth pleas.

Plaintiff demurs to the sixth plea upon the following grounds:

1. Because while it alleges that the deceased was driving the automobile which he was operating on the said public highway at a reckless and dangerous rate of speed, to-wit, more than 45 miles per hour, the allegation that the said rate of speed was reckless and dangerous is a mere conclusion of the pleader, no facts being alleged from which the court could ascertain what were the conditions under which the said speed was maintained, or whether, under all of the circumstances, the said speed was reckless and dangerous, or careful and prudent.

2. Because it is impossible to ascertain from the allegations of fact contained in the said plea whether the rate of speed at which the deceased was operating said automobile was careful and prudent or reckless and dangerous, the classification of the speed of 45 miles an hour being dependent upon the surrounding conditions and circumstances, which are not alleged.

Plaintiff demurs to the seventh plea upon the following grounds:

1. Because the allegation as to the contributing cause as contained in said plea attributed said casual connection to the combined effect of three things,- first, that the vehicle driven by the deceased was to the left of the center of the main travelled portion of the highway; second, the condition of the headlights, on the vehicle driven by the deceased, and, third, the fact that the speed exceeded 45 miles per hour, and it does not appear that the condition of the headlights, or that the driving of the car with said headlights was negligent, nor does it appear that the other two elements of alleged negligence did in themselves proximately contribute to the injury.

2. Because it does not appear from the said plea that the driving of said automobile with the headlights in the

condition alleged in said plea, constituted negligence.

3. Because no facts are alleged in said plea from which it can be ascertained whether the rate of speed at which said automobile was being driven, was careful and prudent, or dangerous and reckless, the allegation in this particular being confined to the fact that the automobile was being operated at more than 45 miles per hour and the defendants' conclusion that this speed was dangerous and reckless.

4. Because it does not appear from the said plea whether there was room on the main travelled portion of said highway to have enabled the deceased to drive said automobile there-over without some portion thereof being to his left of the center of said main travelled portion, nor does it appear that there was sufficient room to the right of the center of the main travelled portion of said highway to have enabled the deceased to bring the said automobile along said main travelled portion to the right so that no portion of the said automobile would stand to the left of the center of said main travelled portion.

Plaintiff demurs to the eighth plea upon the following grounds:

1. Because it does not appear from the said plea that there was sufficient room on the right hand side of the center of the main travelled portion of the said highway to have made it possible for the deceased to drive his said vehicle to the right of the center of said main travelled portion thereof without any portion of his automobile extending to the left beyond the center of the main travelled portion of the said highway.

2. Because said plea contains no allegation of sufficient facts to enable the court to ascertain whether there was sufficient room on the right hand side of the center of the main travelled portion of the said highway to have enabled the said automobile driven by the deceased to pass over said highway

and at the same time to give to other vehicles one-half of the main travelled portion of the said highway.

3. Because it is impossible to ascertain from the allegations of the said plea upon what portion of the said highway the main travelled portion thereof was located, or how wide the same was, or whether the space lying between the center of ~~the~~ the main travelled portion of the said highway and the right-hand edge of the right of way at the point of the collision was sufficient to have enabled the deceased to operate his automobile along said space or not.

4. Because no facts are alleged in said plea from which the court can determine whether the alleged failure of the deceased to give the defendant one-half of the main travelled portion of the said highway constituted negligence on the part of the deceased or not.

Plaintiff demurs to the ninth plea upon the following grounds:

1. Because no facts are alleged in said plea from which the court can ascertain whether the speed at which said automobile was being operated by the deceased was careful and prudent, or whether it was dangerous and reckless, the allegations of the plea that the said speed was high and dangerous and reckless being a mere conclusion of the pleader.

Mell A. Frazer
MELL A. FRAZER.

Harry T. Smith & Caffey
HARRY T. SMITH & CAFFEY.

State of Alabama,

Circuit Court at Law.

Baldwin County,

First National Bank of Mobile a
corporation as administrator of
the Estate of Joseph Roy Campbell,
deceased,
Plaintiff.

vs.

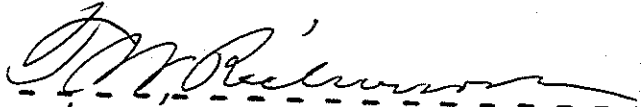
Matt H. Murphy, Jr., et al Deft.

To any Sheriff of the State of Alabama, Greeting:

You are hereby commanded to notify Matt H. Murphy, Jr.,
Defendant in the above stated cause that interrogatories the
said Matt H. Murphy, Jr., have this day been filed in the office of
the Clerk of said Court, a copy of which is hereto attached.

You are required to execute this notice, and due
return make, according to law.

Witness my hand this ~~14th~~ day of August 1936.


Clerk Circuit Court Baldwin Co, Alabama.

State of Alabama,

Circuit Court at Law.

Baldwin County,

First National Bank of Mobile a
corporation as administrator of
the Estate of Joseph Roy Campbell,
deceased,
Plaintiff.

vs.

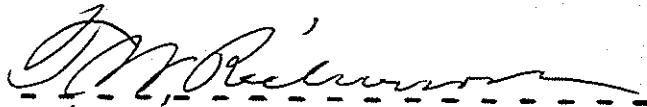
Matt H. Murphy, Jr., et al Deft.

To any Sheriff of the State of Alabama, Greeting:

You are hereby commanded to notify Matt H. Murphy, Jr.,
Defendant in the above stated cause that interrogatories the
said Matt H. Murphy, Jr., have this day been filed in the office of
the Clerk of said Court, a copy of which is hereto attached.

You are required to execute this notice, and due
return make, according to law.

Witness my hand this 4th day of August 1934.



Clerk Circuit Court Baldwin Co, Alabama.

FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administrator
of the Estate of JOSEPH ROY
CAMPBELL, deceased,

Plaintiff.

versus.

MATT H. MURPHY, JR., a minor, and
MARY M. THACH,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,

ALABAMA.

AT LAW.

NO. _____

Now comes the plaintiff in the above entitled cause and propounds to the defendant, Matt H. Murphy, Jr., in said cause, the following interrogatories, namely:-

1. Please state whether or not on or about the 12th day of June, 1930, you were driving an automobile on a public highway in Baldwin County, that collided with an automobile which was being driven on said highway by the intestate, Joseph Roy Campbell, at a point westwardly from the town of Loxley. If you say you were not driving the automobile at the said time and place, then please state whether or not, at any time during the month of June, 1930, you were driving an automobile that had a collision with another automobile near the town of Loxley, in Baldwin County. If so, please state just when and where this collision occurred, and to whom the automobile which you were driving belonged. Also state whether or not Joseph Roy Campbell was driving the automobile with which the car that you were driving collided. If you had such collision as is referred to in the next preceding interrogatory, then please state in what direction you were proceeding and in what direction the automobile with which you collided was proceeding. Please state how far the automobile with which you collided was from you when you first discovered it. Did it have its headlights burning and did you have your headlights burning? At what time of day did this collision occur? At what rate of speed were you proceeding at the time you

first saw the other automobile approaching? At what rate of speed were you going at the time of the collision? What make car were you driving and whose automobile was it? Please state fully and in detail, under ^{whose} authority you were driving said automobile.

2. Please state the date of your birth and also state how long you had been driving automobiles prior to the time of this collision.

3. Please state whether or not there was any curve in the road, at or about the point of collision. Please also state in what part of the roadway the collision occurred and the position of the two automobiles immediately after the collision. Please describe as well as you can the force of the impact and the nature and extent of the damage to the two automobiles.

4. Please state what part of the automobiles came in contact with each other.

5. Did you see Joseph Roy Campbell, the driver of the other automobile, after the collision? If so, state fully and in detail what his condition then was.

6. If you have not already done so, then state fully and in detail how the automobile which you were driving came to collide with the automobile which Joseph Roy Campbell was driving.

7. Is it not a fact that you and your companion were sent to Mobile by Mrs. Mary M. Thach and/or Matt H. Murphy, Sr.? On what mission were you sent to Mobile on the occasion when this collision occurred?

8. State fully and in detail the conversation that occurred at the time you were authorized, or directed, to drive the automobile in which ^{you} were riding at the time of said collision, setting out fully and in detail what you said, what Matt H. Murphy, Sr., said and what Mrs. Mary M. Thach said and what any other person said who was engaged in said conversation.

9. At the rate of speed at which you were driving the automobile which collided with that of Joseph Roy Campbell, please state in what distance you could stop said automobile. Please

state how far the said automobile ran from the time you first saw the other car approaching. At what distance did you realize that there was danger of a collision between the two cars? How fast were you then going and how fast, to the best of your judgment, was the other car going? Please state within what distance you can stop going at the rate of sixty (60) miles an hour; at the rate of fifty (50) miles an hour; at the rate of forty-five (45) miles an hour; and at the rate of forty (40) miles an hour, the car which you were driving at the time of the collision above inquired about.

10. How wide is the roadway at the point where this collision occurred. Where did the cars stop with reference to the south line of the roadway after the collision? At what point in the roadway did the collision occur? Was it dark or daylight at the time of the collision?

Thornton & Frazer

Harry T. Smith
ATTORNEYS FOR PLAINTIFF.

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me, Lillie B. Grandahl, a Notary Public in and for said State and County, Harry T. Smith, who, upon oath, deposes and says that he is one of the attorneys for the plaintiff in the above entitled cause, and that the answers of the defendant to the above and foregoing interrogatories, if well and truthfully made, will be material evidence for the plaintiff in said cause.

Harry T. Smith

Subscribed and sworn to before me

this 21st day of July, 1920.

Lillie B. Grandahl
Notary Public, Mobile County, Alabama.

This party is
supposed to be
at Virginia
Beach, W. Va. and
indefinite time

First National Bank of Mobile, a
Corporation, As Administrator of
the estate of Joseph Roy Campbell,
deceased,

Plaintiff,

V.

Matt H. Murphy Jr., a minor, and
Mrs Mary M. Thach,

Defendants,

In The Circuit Court of
Baldwin County, Alabama,

No. 9523.

Amendment to Defendants' Pleas.

By leave of court first had and obtained the defendants,
separately and severally, amend the pleas heretofore filed in
this cause in the following particulars, to-wit:

1. Immediately after the words "..... and there was no
vehicle or obstruction on the right hand side of the..", where
the same first appear to-gether in count THREE the following
additional words are added, to-wit: "main traveled portion of
the said".

2. Immediately after the words, "... and for him to have
remained on his own right hand side of the..", where the same
first appear to-gether in count THREE, the following addition-
al words are added, to-wit, "main traveled portion of the said".

3. Immediately after the words, "... which Campbell was
driving and the surface of that side of the ..", where the
same first appear to-gether in count FOUR, the following ad-
ditional words are added, to-wit, "main traveled portion of the
said."

4. Instead of and in lieu of the words; ".... a reckless
and dangerous X ", where they first appear to-gether in count
SIX, the following words are substituted, to-wit, "an unlawful."

5. Instead of and in lieu of the words, "... dangerous
and reckless", where they first appear to-gether in count
SIX, the following word is substituted, to-wit, "unlawful".

6. Instead of and in lieu of the words, "... and with
defective headlights", where they first appear to-gether in
count SEVEN, the following words are substituted, to-wit, "
under the conditions hereinabove named."

7. Instead of and in lieu of the words, "... a high and dan-
gerous and reckless", where they first appear to-gether in count
NINE, the following words, to-wit, are substituted: "an unlawful".

*Hybart, Heard, & Chason &
London, Yancey, & Brower
attys for Defendants.*

OFFICE OF
SHERIFF BALDWIN COUNTY
W. R. STUART, SHERIFF
BAY MINETTE, ALA.

#9523

First National Bank
of Mobile, a corpora-
tion, as administrator
of the estate of
Joseph Roy Campbell,
deceased,
Plaintiff

v.

Math H. Murphy Jr &
Mrs Mary M. Shack,
Defendants.

Amendment to Pleas.

Filed on August
24, 1933.

M. A. Stone
Clerk, was

State of Alabama,

Baldwin County.

Circuit Court-Baldwin County

Alabama, Law Side.

To any Sheriff of the State of Alabama,--Greeting:--

You are hereby commanded to notify ^{Mrs.} Mary M. Thach,
in the cause of First National Bank of Mobile a corporation,
as executor of the estate of Joseph Roy Campbell, deceased,
vs. Matt H. Murphy, Jr., and Mary M. Thach, that interrogatories
to ~~Mrs.~~ Mary M. Thach, have this day been filed in the office
of the Clerk of said Court, a copy of which is hereto attached.

You are required to execute this notice, and due return
thereof make, according to law.

Witness my hand this 2nd day of August, 1930.



Clerk Circuit Court Baldwin County Alabama.

Original

Notice of interrogatories

First National Bank of Mobile,
a corporation, as administrator of the
estate of Joseph Roy Campbell,
deceased. Plaintiff.

vs

Mary M. Thach, et al Deft.

Filed August 2nd, 1930.

D. W. Mc...
Ch...

FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administrator
of the Estate of JOSEPH ROY
CAMPBELL, Deceased,

Plaintiff.

versus.

MATT H. MURPHY, JR., and
MARY M. THACH,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA.

AT LAW.

NO. _____

Now comes the plaintiff in the above entitled cause
and propounds to the defendant, Mary M. Thach, in said cause,
the following interrogatories, namely:-

1. Is it not a fact that you were the owner
of the automobile that collided with another automobile which
was then being driven by Joseph Roy Campbell, near Loxley,
Alabama, on the occasion when said Campbell was killed? Give
the make and model of your said automobile.

2. Please state whether or not you authorized
or directed Matt H. Murphy, Jr., to drive your automobile from
Foley to Mobile, on or about the 12th day of June, 1930, on the
occasion when it was in a collision with the car of Joseph Roy
Campbell. Please state fully and in detail the entire conver-
sation that took place at the time you so authorized, or direct-
ed, Matt H. Murphy, Jr., to drive your car to Mobile.

3. How long had you known Matt H. Murphy, Jr.,
prior to that time? How old is he? What knowledge did you
then have in regard to his ability as a driver of automobiles?
Please state fully and in detail how you obtained this knowledge.
How old, exactly, was Matt H. Murphy, Jr., at the time you au-
thorized him to drive your automobile?

4. Please state as fully as you can the nature,
extent and location of the damage to your automobile in the col-
lision with which Joseph Roy Campbell was killed near Loxley,
Alabama, on or about the 12th day of June, 1930. Describe the
damage to the front part of your automobile. Did you see the

automobile
/of Joseph Roy Campbell after the collision? If so, describe
fully and in detail the nature, extent and location of the damage
to this automobile.

Thornton & Fragers

Harry T. Smith
ATTORNEYS FOR PLAINTIFF.

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me, Lillie B. Grandahl,
a Notary Public in and for said State and County, Harry T. Smith,
who, upon oath, deposes and says that he is one of the attorneys
for the plaintiff in the above entitled cause, and that the
answers of the defendant to the above and foregoing interrogatori
if well and truthfully made, will be material evidence for the
plaintiff in said cause.

Harry T. Smith

Subscribed and sworn to before me
this 3rd day of July, 1930.

Lillie B. Grandahl
Notary Public, Mobile County, Alabama.



Original 9523
RECORDED

Interrogatories

First National Bank of
Mobile an Administrator
of the Estate of Frank Ray
Campbell, deceased

VS
Messrs H. Murphy Jr and
Mrs. Mary M. Thach

EXECUTED this the 6

day of Aug 1935

by leaving a copy of the within with

Mrs. Mary M. Thach

W. O. DOWNS, Sheriff, Jefferson Co., Ala.

By J. M. Farnham D. S.

Save Copy on
Mrs Mary M Thach
Birmingham
9/2 MEX



First National Bank of
Mobile, as admin^r of
the Estate of Joseph Roy
Campbell, deceased,
Plaintiff

no. _____

In the circuit
court of Bald-
win County,
Alabama.

v.
Matt H. Murphy, Jr., a
minor, and Mrs Mary
M. Thack,
Defendants

Demurrers to Amended Complaint

Come the defendants, separately and
severally, and demur to the com-
plaint as last amended and
to each count thereof, separately
and severally, and for grounds
of demurrer set down and assign
separately and severally the fol-
lowing, to-wit:

1. For that no joint cause of
action is stated against the de-
fendants.

2. For that no cause of action
is stated against the defendant.

3. For that there is a joinder
of case and trespass in the said count

4. For that in the same count there is a misjoinder of causes of action.

5. For that in the same count case and trespass are set up.

6. For that the said count is vague and indefinite concerning which defendant it is that the plaintiff claims damages of.

7. For that it does not clearly appear which defendant damages are required of.

8. For that the plaintiff attempts to set up certain facts as constituting negligence, and the said facts set forth in the said count do not as a matter of law constitute negligence.

9. For that the pleader sets forth negligence partially by way of conclusion and partially by way of averment of facts as constituting negligence, and the said averments as a whole are an unauthorized conclusion of the pleader that they constituted negligence.

10. For that it does not appear with sufficient clarity what negligence it was that proximately caused the injury and death of the said Joseph Roy Campbell.

11. For that it does not clearly appear whose negligence it was that proximately caused the injury and death of the said Joseph Roy Campbell.

12. For that it does not clearly appear that there was any duty owing to the plaintiff which was breached.

13. For that the situs or place where the said accident occurred is not set forth and described with sufficient clarity.

14. For that it is not averred that Matt H. Murphy Jr., at the time and on the occasion named in the said count, was an agent, servant, or employee of the other defendant, and was acting within the line and scope of his employment.

or authority as such.

15. For that from aught that appears from the said count to the contrary the said matt H. Murphy Jr., at the time and on the occasion named in the said count, was not acting within the line and scope of his employment or authority as an agent, servant, or employee of the other defendant.

16. For that no cause of action is stated against the defendant, Mrs Mary M. Shach.

17. For that, construing the averments of the said count most strongly against the pleader, the defendant, matt H. Murphy Jr., wantonly and intentionally operated or drove the automobile but without being conscious of his conduct and without being conscious that his conduct would likely or probably injure or damage any one.

~~Hybart, Heard, + Chason +~~
~~London Yancey + Brower~~
~~Attys for Defendants~~

No. 9523.

First National Bank of
Mobile, a corporation,
as Admin etc.

Plaintiff

v.

Matt H. Murphy Jr
and Mrs. Mary M.

Thach Defendants

Demurrer to Complaint

Filed August
23, 1933.

M. A. Stone
clerk.
was

18. For that it does not clearly appear
from the said Count that the defendant,
Mat H. Murphy Jr., wantonly or
willfully injured Joseph Ray
Campbell.

Hybart, Heard, & Chason &
London, Yancey & Brower
Attys for Defendants.

no. 9523.

First National Bank
of Mobil, a corpo-
ration, as admin-
istrator.

Plaintiff

v.

Matt H. Murphy Jr
& Mrs Mary M. Thach

Defendants

Memorandum to Complaint

Filed on August
23, 1933.

M. A. Stone
Clerk.
1933.

FIRST NATIONAL BANK OF MOBILE,	:	
a corporation, as administrator	:	
of the Estate of Joseph Roy	:	
Campbell, deceased,	:	
	:	
	:	
Plaintiff.	:	IN THE CIRCUIT COURT OF
versus	:	
	:	BALDWIN COUNTY, ALABAMA.
MATT H. MURPHY, JR., a minor,	:	
and MRS. MARY M. THACH,	:	AT LAW.
	:	
Defendants.	:	

Now comes the Plaintiff in the above entitled cause and demurs, separately and severally, to the third, fourth, sixth, seventh and ninth pleas as last amended upon the following grounds, that is to say:

Plaintiff demurs to the third plea as last amended upon the following grounds:

Plaintiff adopts and reiterates the demurrers heretofore filed to said third plea before said amendment, and also demurs to said plea upon the following additional ground:

A. Because no facts are alleged in said plea from which the court can determine that the speed at which the deceased was driving the vehicle which he was operating was unlawful, but it was simply alleged that it was unlawful as a conclusion of the pleader.

Plaintiff demurs to the fourth plea as last amended upon the following grounds:

Plaintiff adopts and reiterates the demurrers heretofore filed to said fourth plea before said amendment, ~~and also demurs to said plea upon the following additional ground:~~

Plaintiff demurs to the sixth plea as last amended upon the following grounds:

Plaintiff adopts and reiterates the demurrers heretofore filed to said sixth plea before said amendment, and upon the following additional ground:

A. Because the allegation that the said rate of speed at which the said Joseph Roy Campbell is alleged to have operated his said automobile was unlawful, is a mere conclusion of the pleader, and the said plea contains no allegations of fact to enable the court to declare that said rate of speed as alleged in said plea was unlawful.

Plaintiff demurs to the seventh plea as last amended upon the following grounds:

Plaintiff adopts and reiterates the demurrers heretofore filed to said seventh plea before said amendment, and upon the following additional ground:

A. Because no facts are alleged in said plea sufficient to enable the court to determine that the said rate of speed at which the deceased was driving his automobile was dangerous and reckless, and ~~that~~ the allegation that the said speed was a dangerous and reckless rate of speed is a mere conclusion of the pleader.

B. Because it does not appear from said plea that the alleged negligence was a proximate cause of the death of the deceased, but, on the contrary, it is alleged that the said injury was the proximate consequence of the deceased operating his automobile to the left of the center of the main travelled portion of the highway set forth under the conditions named in said plea without indicating in any way whether that which proximately contributed to said injury was that which is alleged as negligence on the part of the deceased, or the other conditions alleged in said plea without imputation of negligence or the violation of any duty on the part of the deceased.

Plaintiff demurs to the ninth plea as last amended upon the following grounds:

Plaintiff adopts and reiterates the demurrers

heretofore filed to said ninth plea before said amendment, and upon the following additional ground:

A. Because the allegation that the deceased was driving the automobile which he was operating at an unlawful rate of speed is a mere conclusion of the pleader, and the said plea contains no allegation of fact from which this court can determine that the said operation of the said automobile at more than 45 miles per hour was unlawful under existing conditions.

And the plaintiff further demurs to the fifth plea, and to the third, fourth, seventh and eighth pleas as last amended, upon the following additional ground:

X. Because it nowhere appears in the said plea that the action of the deceased in driving said automobile so that some part thereof extended to the left beyond the center line of the main travelled portion of said highway, was due to any negligence on the part of the deceased.

Mell A. Frazer
MELL A. FRAZER.

Harry T. Smith & Caffey
HARRY T. SMITH & CAFFEY.

ATTORNEYS FOR PLAINTIFF.

Filed Aug. 24, 1933
m. a. Stone
clerk.

FIRST NATIONAL BANK OF MOBILE,
A Corporation, as Administrator
of the Estate of Joseph Roy
Campbell, Deceased,

Plaintiff,

-vs-

MATT H. MURPHY JR., a minor,
and MRS. MARY M. THACH,

Defendants.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

No. 9525.

PLEAS OF DEFENDANTS.

Come the Defendants in the above styled cause, separately and severally, and for answer to the Complaint as last amended, and to each count thereof, separately and severally, interpose the following Pleas, separately and severally, to-wit:

1. The allegations of the said count are untrue.
2. The material allegations contained in the said count are untrue.
3. The Plaintiff ought not to recover for the reason that at the time and on the occasion named in the Complaint the Deceased, Joseph Roy Campbell, was himself guilty of contributory negligence, which said contributory negligence upon his own part proximately contributed to the causation of his injuries and death, which said contributory negligence hereinabove referred to was as follows, to-wit: The point or place where the said accident and collision occurred between the vehicle driven by Joseph Roy Campbell and the vehicle driven by Matt H. Murphy Jr., was a public highway running between Loxley, Alabama, and Bay Bridge, and the particular point where the accident and injury occurred was on the said public highway about six miles westwardly from Loxley, Alabama, in Baldwin County. The said public highway at the point of the collision and at the time thereof was approximately twenty-five feet in width. At the time of the said collision there was no other traffic on the said highway at the point of the collision other than *and there was no vehicle or obstruction on the right hand side of the highway in the direction in which Campbell was proceeding, at said place, and the surface thereof, on that* the two vehicles hereinabove named, and there was ample room to the *side* right of the center of the main traveled portion of the highway in *was smooth and passed the firm* the direction in which Joseph Roy Campbell was driving the vehicle,

(page two)

Closely
for the said Joseph Roy Campbell to have driven the vehicle which he was operating, and for him to have remained on his own right hand side of the highway. The collision occurred at night-time and the lights on each vehicle were burning. The said Joseph Roy Campbell saw, or in the exercise of ordinary care ^{would} have ^{which was then and there being driven to its right of the center of the main traveled portion of the said highway} seen, the approaching vehicle driven by Matt H. Murphy Jr., and the said Joseph Roy Campbell knew, or in the exercise of ordinary care ^{would} ~~must~~ have known, that to drive the vehicle which he was operating on his left hand side of the center of the main traveled portion of the highway with the other vehicle closely approaching him at said time and place, would be dangerous to his own safety. Nevertheless, the said Joseph Roy Campbell, in disregard of his own safety, was driving the vehicle which he was operating, in part at least to the left of the center of the main traveled portion of the highway, and at a rate of speed, to-wit, more than forty-five miles per hour, and as a proximate result of his so doing; that is, as a proximate result of his driving the vehicle which he was operating in part at least to the left of the center of the main traveled portion of the said highway, and at the rate of speed of, to-wit, more than forty-five miles per hour, a collision occurred between the two vehicles, which were approaching each other from opposite directions, which proximately caused his injuries and death.

4. The Plaintiff should not recover by reason of the fact that at the time and on the occasion named in the Complaint, the said Joseph Roy Campbell was himself guilty of contributory negligence which proximately contributed to his own injuries and death, and his said contributory negligence consisted in this, to-wit: The said Joseph Roy Campbell at said time and place was driving an automobile in part at least to the left of the center of ^{which said public highway was then and there to-wit, 25 feet wide,} the main traveled portion of the highway, and at a rate of speed, to-wit, more than forty-five miles per hour. The vehicle being ^{and was then and there being driven on its own right hand side of the main traveled portion of the said highway} operated by Matt H. Murphy Jr., had two headlights burning, and the said headlights were plainly visible to traffic approaching

(page two)

and there was vehicle as obstruction on the right hand side of the main traveled portion of the highway in the direction in which Campbell was driving, and the purpose of that side of the highway was smooth and firm, and there was ample room on that side for Campbell to drive the automobile which he was operating.

from the opposite direction, from which direction the said Joseph Roy Campbell was coming, and the said Joseph Roy Campbell knew, or in the exercise of ordinary care ~~should~~^{would} have known, that it would be dangerous to his own safety to travel on his own left hand side of the center of the main traveled portion of the highway as he approached the immediate vicinity where the automobile being driven by Matt H. Murphy Jr., was approaching him, and as a proximate consequence of the fact that the said Joseph Roy Campbell was driving the automobile which he was operating in part at least to the left of the center of the main traveled portion of the highway, and at a rate of speed more than forty-five miles per hour, the collision occurred and the said Joseph Roy Campbell was so injured that he died.

5. The Plaintiff ought not to recover in that the said Joseph Roy Campbell at the time and on the occasion named in the Complaint was himself guilty of contributory negligence which proximately contributed to the causation of his own injuries and death, which said contributory negligence consisted in this, to-wit: The collision referred to in the said count occurred on a public highway therein described and at or near the crest of a small hill. In other words, each vehicle immediately prior to the accident had ascended a small hill, and was traveling toward the other from the opposite direction, and the collision of the two vehicles occurred at or near the crest thereof. The headlights on each vehicle were at the time burning and the said collision occurred at night. The road where the accident occurred was much frequented and much used, and this fact was known to the said Joseph Roy Campbell, or ~~ought~~^{would} to have been known by him in the exercise of due care, in that it was open to his observation to observe the width of the highway, which was approximately twenty-five feet, and the further fact that the signs of travel thereon indicated that many vehicles used the same, and he had been traveling on the same highway for many miles prior to the said collision. Nevertheless, at the time the collision occurred the said Joseph Roy Campbell was driving the automobile which he was operating in whole or in part to the left of

and the automobile which was being driven by Matt H. Murphy Jr. was then and there being driven on its own right hand side of the main traveled portion of the said highway, and the right hand side of the main traveled portion of the said highway, from the standpoint of the car being driven by Campbell, was free of vehicles and other obstructions and the surface thereof was smooth and firm, and there was ample room thereon for the said automobile being driven by Campbell to be operated and driven

(page four)

the center of the main traveled portion of the highway in the direction in which he was traveling, and as a proximate consequence thereof; that is, as a proximate consequence of his driving the vehicle which he was operating in whole or in part to the left of the center of the main traveled portion of the said highway, he drove the said vehicle into the vehicle being operated by Matt H. Murphy Jr., and thus caused the injuries from which he died.

6. The Plaintiff should not recover in that at the time and on the occasion named in the said count the said Joseph Roy Campbell was himself guilty of contributory negligence which proximately contributed to the causation of his own injuries and death, which said contributory negligence consisted in this, to-wit: The said Joseph Roy Campbell was driving the automobile which he was operating on the said public highway named in said count at a reckless and dangerous rate of speed, to-wit, more than forty-five miles per hour, and as a proximate consequence of his driving the vehicle which he was operating at the said dangerous and reckless rate of speed of, to-wit, more than forty-five miles per hour, he ran the same into the vehicle which Matt H. Murphy Jr., was operating and as a proximate consequence thereof the said Joseph Roy Campbell received the injuries from which he died.

7. Plaintiff ought not to recover in that at the time and on the occasion named in the said count the said Joseph Roy Campbell was himself guilty of contributory negligence which proximately contributed to the causation of his injuries and death, which said contributory negligence consisted in this, to-wit: The said Joseph Roy Campbell was driving an automobile at night-time with headlights thereon which were out of alignment and which threw the focus of the lights considerably above the surface of the highway to such an extent that the said headlights did not adequately give to the driver a clear and accurate view of the highway and of the traffic thereon. The said Joseph Roy Campbell was operating the said vehicle on a public highway which was much used, and the fact of its being much used was known to the said Joseph Roy Campbell, or should have been known to him in the exercise of ordinary

(page four)

Although there was ample room to the right of the center of the main traveled portion of the said highway for the said Campbell to have driven the automobile, and there were no vehicles or obstructions on that side of the highway and the surface thereof was smooth and firm

care in that the said Joseph Roy Campbell had been driving on the same highway for many miles and the width of the highway, to-wit, twenty-five feet, and the signs of travel thereon in the trail marks of other vehicles, showing thereon, clearly indicated to any person driving thereon that the said highway was much used. Under the circumstances named in this plea the said Joseph Roy Campbell was operating the said vehicle which he was driving at a dangerous and reckless rate of speed of, to-wit, more than forty-five miles per hour, and immediately prior to the accident and up to the time the accident occurred he was operating the said vehicle in whole or in part to the left of the center of the main traveled portion of the highway in the direction in which he was traveling, and as a proximate consequence of his operating the said vehicle to the left of the center of the main traveled portion of the highway as hereinabove set forth, and with defective headlights, and at a dangerous and reckless rate of speed of, to-wit, more than forty-five miles per hour, he ran the same into the vehicle being operated by Matt H. Murphy Jr., which was approaching from the opposite direction, with the proximate consequence that he received the injuries from which he died.

8. The Plaintiff ought not to recover in that Joseph Roy Campbell at the time and on the occasion named in the said count was himself guilty of contributory negligence, which said contributory negligence proximately contributed to the causation of the injuries and death of the said Joseph Roy Campbell, and which said contributory negligence consisted in this, to-wit: At the time of and immediately prior to the collision of the two vehicles, the said Joseph Roy Campbell was driving the automobile which he was operating in whole or in part to the left of the center of the main traveled portion of the highway in the direction in which he was traveling, and was meeting the vehicle being driven by Matt H. Murphy Jr., which was coming from the opposite direction, and failed to give to the other vehicle one-half of the main traveled portion of the said highway.

(page six)

9. The Plaintiff ought not to recover in that Joseph Roy Campbell at the time and on the occasion named in the said count was himself guilty of contributory negligence, which said contributory negligence proximately contributed to the causation of the injuries and death of the said Joseph Roy Campbell, and which said contributory negligence consisted in this, to-wit: The said Joseph Roy Campbell was driving the automobile which he was operating at a high and dangerous and reckless rate of speed and at night-time, to-wit, more than forty-five miles per hour.

*Hybart, Heard, & Chason &
London Yancey & Brower*

attys for Defendants.

FIRST NATIONAL BANK OF MOBILE,
a corporation, as administrator of the
Estate of Joseph Roy Campbell,
deceased,

Plaintiff.

vs.

MATT H. MURPHY, JR., a minor,
and MRS. MARY M. THACH,

Defendant.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY,
ALABAMA.

Now comes the plaintiff in the above entitled cause
and demurs to the amendment to plea in abatement upon the following
grounds:

1. Because it does not appear that the former suit
was pending at the time that this plea was sworn to.

2. Because it does not appear that the former suit
was pending when said plea was filed.

3. Because it does not appear that the costs had
not been paid before the said plea was sworn to or before it was
amended.

4. Because it does not appear that the said costs
had not been paid before the plea was filed.

5. Because it does not appear that the said plea
was filed within the time allowed for pleading.

6. Because it appears from the said plea that it
was not sworn to within the time allowed by law for the filing of
a plea in abatement.

7. Because said plea is not properly verified.

Will Frazer
THORNTON AND FRAZER.

Harry T. Smith & Caffey
HARRY T. SMITH & CAFFEY.

ATTORNEYS FOR PLAINTIFF.

Filed Aug. 23, 1933

M. A. Stone

clerk
was

FIRST NATIONAL BANK OF MOBILE,
A Corporation, as Administrator
of the Estate of Joseph Roy
Campbell, Deceased,

Plaintiff,

-vs-

MATT H. MURPHY JR., a minor,
and MRS. MARY M. THACH,

Defendants.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

NO. 9523.

AMENDMENT TO PLEA IN ABATEMENT.

Comes the Defendant, Mrs. Mary M. Thach, for the special and limited purposes hereinafter shown, and for no other purposes whatsoever, and limiting her appearance herein for the special purposes hereinafter shown, and by leave of the Court first had and obtained, amends her Plea in Abatement as heretofore filed in this cause ^{on August 13, 1930,} so as to make the same read as follows, the averments of this said Amended Plea relating back to and of the time when the Original Plea in Abatement was filed, to-wit:-

This Defendant shows unto the Court that heretofore on, to-wit, June 27th, 1930, this same Plaintiff instituted suit in this Court in case #9241, against this same Defendant, and in said case #9241 claimed damages of this same Defendant, as stated therein in the various counts of the said Complaint, for the same matter and things and cause of action as stated in the present suit. The Defendant further shows unto this Honorable Court that in said first suit, #9241, instituted by this same Plaintiff against this same Defendant on, to-wit, June 27th, 1930, in this Court, the Plaintiff claimed damages of this Defendant ^{solely by} reason of and growing out of a certain accident alleged to have occurred on, to-wit, the 12th day of June, 1930, at a point on the public highway in Baldwin County, Alabama, about six miles westwardly from the Town of Loxley, and between the points of the Town of Loxley and Bay Bridge in said County of Baldwin; further, that at the time of the said accident the deceased, Joseph Roy Campbell, was driving or operating his Ford car on the said public highway at the said time and place, and that Matt H. Murphy Jr., a minor,

while acting as an agent of this Defendant, and while acting within the line and scope of his authority as such agent of this defendant, did then and there drive an automobile against the automobile in which the said Joseph Roy Campbell was driving, with the proximate result that the said Joseph Roy Campbell was so injured that he died; that the wrong complained of in various counts of the said original suit #9241 was negligence and in other counts of the said original suit #9241 the same act was described as having been wantonly and willfully done. The Defendant further shows that in each of the said counts of the said original suit #9241 the matter and thing complained of were one and the same as the matter and thing complained of in the present suit. The Defendant further shows unto this Court that at the time this Defendant was *and that at the time of the filing of the original plea in abatement on* made a party to the present cause of action, the former cause of *August 13, 1930* action in behalf of this same Plaintiff and against this same *of which this is an amendment* Defendant, to-wit, the cause of action instituted in suit #9241 hereinabove described, was still pending in this Court and undisposed of, and the costs therein were unpaid. Wherefore, this Defendant says that this present cause of action insofar as this Defendant is concerned, should be abated.

Hybart, Heard, & Chason
London Wancey, Brainer
As Attorneys for Mrs. Mary M. Thach, appearing herein for the special and limited purposes hereinabove shown.

STATE OF ALABAMA,

BALDWIN COUNTY.

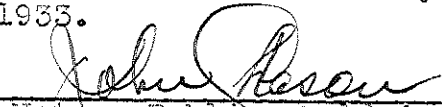
Before me, the undersigned authority in and for said State and County, personally appeared Whit Windham, known to me, who being sworn deposes and says:-

That he is of counsel for the Defendant, Mrs. Mary M. Thach, and as such has authority to make this Affidavit; that he has personal knowledge of the foregoing facts set forth in the Plea in Abatement hereinabove outlined, and that the said facts as set forth in the said Plea are true and correct to the best of his knowledge.

Whit Windham
(page two)

(page three)

Sworn to and subscribed before
me on this the 22nd day of August,
1933.



Notary Public, Baldwin County,
State of Alabama.

FIRST NATIONAL BANK OF MOBILE. :
a corporation, as Administrator of
the estate of Joseph Roy Campbell,

Plaintiff, :

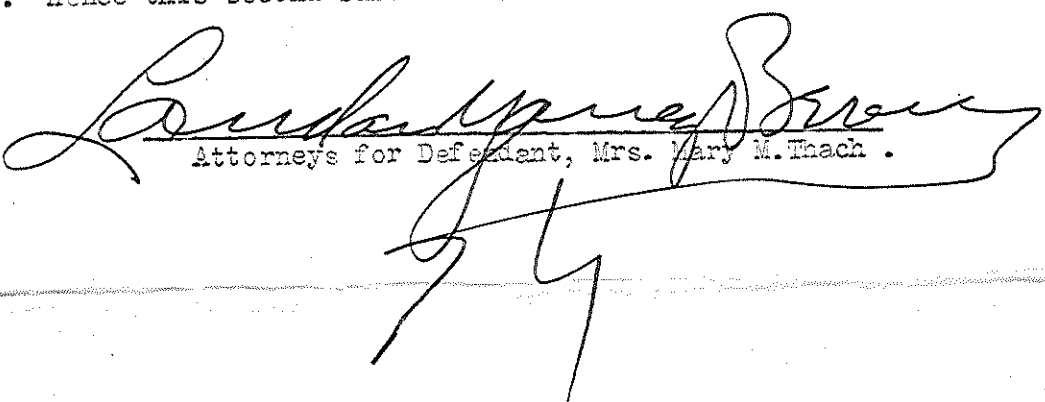
VS.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

MATT E. MURPHY, JR. a minor, and
MRS. MARY M. THACH,

Defendants. :

Now comes the defendant, Mrs. Mary M. Thach, who is
made a defendant in this suit by amendment filed in this cause on, to-wit:
the 2nd day of August, 1930, and says that the plaintiff in this cause cannot
further maintain and prosecute its said suit against her, in this: That at
the time she was made a party defendant in said cause there was and is now
a suit pending against her by the same plaintiff, seeking to recover the
same damages or damages growing out of the same accident, the said causes
of action being one and the same. That the said suit which was filed against
her alone was filed previously to the time the plaintiff sought to amend its
complaint in a cause against Matt E. Murphy, Jr. and make her party defendant
therein, and as the said suit against her individually is still pending,
the said plaintiff cannot have and maintain the suit against her above
referred to, and in which she is sought to be made a party defendant
by way of amendment. Hence this second suit must abate.


Attorneys for Defendant, Mrs. Mary M. Thach.

The State of Alabama,
Baldwin County

No. _____ CIRCUIT COURT.
Bay Minette Ala August 2nd Term 1923

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon **Matt H. Murphy, Jr., a minor,**

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 *assessed*

First National Bank of Mobile, a corporation as administrator
of the estate of Joseph Campbell, deceased.

Witness my hand this 2nd day of August 1930

J. W. Resumore Clerk.

Complaint

vs.

Plaintiff.

Defendant.

The plaintiff claims of the defendant the sum of

Dollars.

Plaintiff's Attorney

9523 Copy

No.

The State of Alabama,
Baldwin County

CIRCUIT COURT

~~First National Bank of Mobile~~ a
corporation, as administrator of
the estate of Joseph ~~Phinney~~ ^{Phinney} ~~Phinney~~,
deceased,

W. A. Beech vs.

~~W. A. Beech~~ *W. A. Beech* et al.,
Defendants,

SUMMONS AND COMPLAINT

Filed ~~August 3rd~~ *August 3rd* 192 *30*
W. A. Beech Clerk,
Defendant lives at

~~Thorn & Frazer~~
Plaintiff's Attorney,
Defendant's Attorney,

Received in Office

..... 192 ..
....., Sheriff.

I have executed this Writ

This, 192 ..
by leaving a copy of the within summons and
complaint with

....., Sheriff.
..... Deputy Sheriff.

FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administrator
of the Estate of JOSEPH ROY
CAMPBELL, Deceased,

Plaintiff,

Vs.

MATT H. MURPHY, JR., a minor,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

1. The plaintiff, First National Bank of Mobile, a corporation, as administrator of the Estate of Joseph Roy Campbell, Deceased, claims of the defendant the sum of Fifty Thousand (\$50,000.00) Dollars, for this: that on to-wit the 12th day of June 1930, while its intestate, Joseph Roy Campbell, was driving or operating a Ford car on a public highway in Baldwin County, Alabama, which highway leads from the Bay Bridge to the Town of Loxley in said State and County, at a point on said highway about six miles westwardly from the Town of Loxley, the defendant, Matt H. Murphy, Jr. did then and there so negligently drive or operate the automobile which he was driving or operating as to cause his said automobile to collide with and crash with great force and violence into, upon or against the automobile driven by the said Joseph Roy Campbell at said time and place, that as the proximate result of said negligence of the defendant, the said Joseph Roy Campbell was bruised and injured internally and externally so that he died; all to its damage in the aforesaid sum; Wherefore, it sues.

2. The plaintiff, First National Bank of Mobile, a corporation, as administrator of the Estate of Joseph Roy Campbell, deceased, claims of the defendant the sum of Fifty Thousand (\$50,000.00) Dollars, for this: That on to-wit the 12th day of June 1930, while its intestate, Joseph Roy Campbell was driving or operating his Ford car on a public highway in Baldwin County, Alabama, which highway leads from the Bay Bridge to the Town of

operate the automobile which he was driving or operating as to cause his said automobile to collide with and crash with great force and violence into, upon or against the automobile driven by the said Joseph Roy Campbell at said time and place, that as the proximate result of said negligence of the defendant, the said Joseph Roy Campbell was killed in said collision; all to its damage in the aforesaid sum; Wherefore, it sues.

3. The plaintiff, First National Bank of Mobile, a corporation, as administrator of the Estate of Joseph Roy Campbell, Deceased, claims of the defendant the sum of Fifty Thousand (\$50,000.00) Dollars, for this: that on to-wit the 12th day of June 1930, while its intestate, Joseph Roy Campbell, was driving or operating a Ford car on a public highway in Baldwin County, Alabama, which highway leads from the Bay Bridge to the Town of Loxley in said State and County, at a point on said highway about six miles westwardly from the Town of Loxley, the defendant, Matt H. Murphy, Jr., did then and there so wantonly and wilfully drive or operate the automobile which he was driving or operating as to cause his said automobile to collide with and crash with great force and violence into, upon or against the automobile driven by the said Joseph Roy Campbell at said time and place, that as the proximate result of said wantonness and wilfulness of the defendant, the said Joseph Roy Campbell was bruised and injured internally and externally so that he died; all to its damage in the aforesaid sum; Wherefore, it sues.

4. The plaintiff, First National Bank of Mobile, a corporation, as administrator of the Estate of Joseph Roy Campbell, deceased, claims of the defendant the sum of Fifty Thousand (\$50,000.00) Dollars, for this: That on to-wit the 12th day of June 1930, while its intestate, Joseph Roy Campbell was driving or operating his Ford car on a public highway in Baldwin County, Alabama, which highway leads from the Bay Bridge to the Town of Loxley in said State and County, at a point on said highway about six miles westwardly from the Town of Loxley, the defendant, Matt H. Murphy, Jr., did then and there so wantonly and wilfully

drive or operate the automobile which he was driving or operating as to cause his said automobile to collide with and crash with great force and violence into, upon or against the automobile driven by the said Joseph Roy Campbell at said time and place, that as the proximate result of said wantonness and wilfulness of the defendant, the said Joseph Roy Campbell was killed in said collision; all to its damage in the aforesaid sum; Wherefore, it sues.

Thornton & Freyer,

Attorneys for Plaintiff.

Plaintiff demands trial by jury of the above entitled cause.

Thornton & Freyer,

Attorneys for Plaintiff.

FIRST NATIONAL BANK OF MOBILE, a corporation, as administrator of the Estate of JOSEPH ROY CAMPBELL, Deceased, Plaintiff,
vs.
WILLIAM H. MURPHY, JR., a minor, Defendant.

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

1. The Plaintiff, First National Bank of Mobile, a

corporation, as administrator of the Estate of Joseph Roy Camp-

bell, Deceased, claims of the defendant the sum of Fifty Thousand

(\$50,000.00) Dollars, for this: that on to-wit the 12th day of

June 1930, while its intestate, Joseph Roy Campbell, was driving

or operating a Ford car on a public highway in Baldwin County,

Alabama, which highway leads from the Bay Bridge to the Town of

Loxley in said State and County, at a point on said highway about

six miles westwardly from the Town of Loxley, the defendant,

Watt H. Murphy, Jr. did then and there so negligently drive or

operate the automobile which he was driving or operating as to

cause his said automobile to collide with and crash with great

force and violence into, upon or against the automobile driven

by the said Joseph Roy Campbell at said time and place, that as

the proximate result of said negligence of the defendant, the

said Joseph Roy Campbell was bruised and injured internally and

externally so that he died; all to its damage in the aforesaid

sum; wherefore, it sues.

2. The Plaintiff, First National Bank of Mobile, a

corporation, as administrator of the Estate of Joseph Roy Camp-

bell, deceased, claims of the defendant the sum of Fifty Thousand

(\$50,000.00) Dollars, for this: That on to-wit the 12th day of

June 1930, while its intestate, Joseph Roy Campbell was driving

or operating his Ford car on a public highway in Baldwin County,

Alabama, which highway leads from the Bay Bridge to the Town of

Loxley in said State and County, at a point on said highway about

six miles westwardly from the Town of Loxley, the defendant,

Watt H. Murphy, Jr. did then and there so negligently drive or

Metz H. Murphy, Jr., did then and there so wantonly and willfully
six miles westwardly from the town of Loxley, the defendant,

Loxley in said State and County, at a point on said highway at
Alabama, which highway leads from the Bay Bridge to the town of
or operating his Ford car on a public highway in Baldwin County
June 1930, while its intestate, Joseph Roy Campbell was driving
(\$50,000.00) Dollars, for this: That on to-wit the 18th day of
bell, deceased, claims of the defendant the sum of Fifty thousand
corporation, as administrator of the Estate of Joseph Roy Campbell,
4. The plaintiff, First National Bank of Mobile, a

damage in the aforesaid sum; therefore, it sues.
injured internally and externally so that he died; all to its
of the defendant, the said Joseph Roy Campbell was bruised and
that as the proximate result of said wantonness and willfulness
driven by the said Joseph Roy Campbell at said time and place,
great force and violence into, upon or against the automobile
as to cause his said automobile to collide with and crash with
drive or operate the automobile which he was driving or operating
Metz H. Murphy, Jr., did then and there so wantonly and willfully

six miles westwardly from the town of Loxley, the defendant,
Loxley in said State and County, at a point on said highway at
Alabama, which highway leads from the Bay Bridge to the town of
or operating a Ford car on a public highway in Baldwin County,
June 1930, while its intestate, Joseph Roy Campbell, was driving
(\$50,000.00) Dollars, for this: That on to-wit the 18th day of
bell, deceased, claims of the defendant the sum of Fifty thousand
corporation, as administrator of the Estate of Joseph Roy Campbell,
5. The plaintiff, First National Bank of Mobile, a

its damage in the aforesaid sum; therefore, it sues.
said Joseph Roy Campbell was killed in said collision; all to
the proximate result of said negligence of the defendant, the
by the said Joseph Roy Campbell at said time and place, that a
force and violence into, upon or against the automobile driven
cause his said automobile to collide with and crash with great
operate the automobile which he was driving or operating as to

drive or operate the automobile which he was driving or operating as to cause his said automobile to collide with and crash with great force and violence into, upon or against the automobile driven by the said Joseph Roy Campbell at said time and place, that as the proximate result of said wantonness and wilfulness of the defendant, the said Joseph Roy Campbell was killed in said collision; all to its damage in the aforesaid sum; Wherefore, it sues.

Thornton & Frazer

Attorneys for Plaintiff.

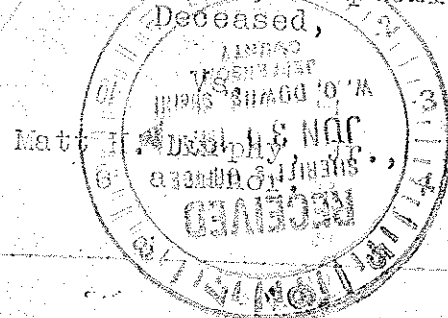
Plaintiff demands trial by jury of the above entitled cause.

Thornton & Frazer

Attorneys for Plaintiff.

In the Circuit Court of
Baldwin County, Alabama
At Law.

First National Bank, a
corporation, as Admini-
strator of the Estate
of Joseph Roy Campbell,
Deceased,



COMPLAINT

Filed June 27/1930

D. W. Reimer

Clerk

THORNTON & FRAZER,
Attorneys for Plaintiff.

Some copy on
Small Murphy &
Small Murphy Jr.

DW O

The State of Alabama,
Baldwin County.

No. _____
Bay Minette Ala June 27, 1930
CIRCUIT COURT
RT.
EX

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Matt H. Murphy, Jr.,

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

of the Estate of Joseph Roy Campbell, Deceased,

Witness my hand this 27th day of June 1930

J. W. Richardson Clerk.

Complaint

vs.

Plaintiff.

Defendant.

The plaintiff claims of the defendant the sum of

Dollars

Plaintiff's Attorney

The State of Alabama, Baldwin County

CIRCUIT COURT

To Any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Matt H. Murphey, Jr., a minor
and Mary M. Thach

to appear in the Circuit Court of Baldwin County, Alabama, at the place
 of holding the same and plead, answer, or demur, within thirty days from service hereof to the complaint of
First National Bank of Mobile, a corporation, as administrator of
the estate of Joseph Roy Campbell, deceased, plaintiff

Witness this 14th day of August, 1931.

J. M. Reel, Clerk.

IF THE DEFENDANT FAILS TO APPEAR AND PLEAD, ANSWER OR DEMUR WITHIN
 THIRTY DAYS AFTER SERVICE THE PLAINTIFF MAY TAKE JUDGMENT BY DEFAULT.

COMPLAINT

VS.

Plaintiff

Defendant

And the Plaintiff claim of the Defendant

Dollars, due

The State of Alabama

County

CIRCUIT COURT

First Nat'l Bank of Mobile,
a corporation, administrator
Plaintiff

vs.

Matt H. Murphey, Jr., and

Mary M. Thach

Defendant

Summons and Complaint

Filed this 14th day of
August, 1931

J. F. H. Clerk.

Thornton & Frazer

Plaintiff's Attorney.

J. F. H.

5

Received this _____ day
of _____, 19____,
_____, Sheriff.

Executed this _____ day
of _____, 19____, by
leaving a copy of the within Summons and Com-
plaint with

Defendant

Sheriff.

The State of Alabama,

COUNTY

To the Sheriff of _____ County:

Whereas, the Plaintiff _____ in the within stated
cause has made affidavit and given bond as
required by law, you are hereby required to
take the property mentioned in the complaint
into your possession, unless the Defendant _____
give _____ bond payable to the Plaintiff _____ with
sufficient surety in double the amount of the
value of the property, with condition that if the
Defendant

cost in the suit, _____
within thirty days thereafter, deliver the property
to the Plaintiff _____, and pay all costs and damages
which may accrue from the detention thereof.

Clerk.

EXECUTED this the 17
day of August 1931
by leaving a copy of the within with

Matt Murphey Jr a minor

JAS. F. HAWKINS, Sheriff,
Jefferson County, Ala.

By J. M. Gilbert D.S.

EXECUTED this the 17
day of August 1931
by leaving a copy of the within with

Mary M Thach

JAS. F. HAWKINS, Sheriff,
Jefferson County, Ala.

By J. M. Gilbert D.S.

FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administrator
of the Estate of Joseph Roy
Campbell, Deceased,

Plaintiff.

versus.

MATT H. MURPHY, JR., a minor,

Defendant.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY,

ALABAMA.

AT LAW.

Now comes the plaintiff in the above entitled cause
and amends his complaint in said cause in the following manner,
viz.:-

1. By inserting in the caption just after the
words "Matt H. Murphy, Jr., a minor" the words "and Mrs. Mary
M. Thach", and by changing the word "defendant" to the word
"defendants".

2. By inserting in the first count of said
complaint just after the words "Joseph Roy Campbell" and just
before the words "was driving or operating a Ford car" the
following, viz.:- "while acting as the agent or servant of
the defendant, Mary M. Thach".

3. By inserting in the second count of said
complaint just after the words "Joseph Roy Campbell" and just
before the words "was driving or operating" the following, viz.:-
"while acting as ^{the} agent or servant of the defendant, Mary M. Thach".

4. By striking out the word "his" where it oc-
curs just after the words "was driving or operating" and just
before the words "Ford car on a public highway", and by insert-
ing in lieu thereof the word "a".

5. By inserting in the third count of said
complaint just after the words "Joseph Roy Campbell" and just

before the words "was driving or operating a Ford car" the following, viz.:- "while acting as the agent or servant of the defendant, Mary M. Thach".

Thornton & Prager

Harry Smith Caffey
ATTORNEYS FOR PLAINTIFF.

CIRCUIT COURT

MRS. MARY M. THACH

Witness this 14th day of August, 19 31

COMPLAINT

vs.

Plaintiff

Defendant.

And the Plaintiff.....claim..... of the Defendant

..Dollars, due

The State of Alabama
BALDWIN County
CIRCUIT COURT

First Nat'l Bank of Mobile,
a corporation, Administrator
Plaintiff
vs.
Matt H. Murphey, Jr., and
Maby M. Thach
Defendant.

Summons and Complaint

Filed this 14th day of
August 1931
Clerk.

Thornton & Frazer
Harry T. Smith & Caffey
Plaintiff's Attorney.

JFH

Received this _____ day
of _____, 19____,
_____, Sheriff.

Executed this _____ day
of _____, 19____, by
leaving a copy of the within Summons and Com-
plaint with

Defendant.

Sheriff.

The State of Alabama,
_____, COUNTY

To the Sheriff of _____ County:

Whereas, the Plaintiff..... in the within stated
cause ha..... made affidavit and given bond as
required by law, you are hereby required to
take the property mentioned in the complaint
into your possession, unless the Defendant.....
give..... bond payable to the Plaintiff..... with
sufficient surety in double the amount of the
value of the property, with condition that if the
Defendant

cost in the suit,.....
within thirty days thereafter, deliver the property
to the Plaintiff....., and pay all costs and damages
which may accrue from the detention thereof.

_____, Clerk.

EXECUTED this the 17
day of August 1931
by leaving a copy of the within with
Matt H. Murphey
JAS. F. HAWKINS, Sheriff,
Jefferson County, Ala.
By J. M. Collett D.S.

EXECUTED this the 17
day of August 1931
by leaving a copy of the within with
Maby M. Thach
JAS. F. HAWKINS, Sheriff,
Jefferson County, Ala.
By J. M. Collett D.S.

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

First National Bank of Mobile,
a corporation, as Administrator
of the Estate of Joseph Roy Campbell,
deceased,

Plaintiff,

Vs.

Matt H. Murphy, Jr., a minor,

Defendant.

MOTION TO QUASH SERVICE.

Comes the defendant, Matt H. Murphy, Jr., a minor,
in the above styled cause, and appearing herein specially for the
purposes hereinafter set forth and for no other purposes whatsoever,
and limiting his appearance herein to the said purposes hereinafter
shown, moves this Honorable Court to quash and hold for naught the
purported service of summons and complaint upon him in this cause,
and for grounds of said motion sets down and assigns, separately
and severally, the following, to-wit:

1. For that prima facie, in accordance with the
returns appearing on the said original summons and
complaint, the amendments thereof and the aliases
thereafter issued, legal service has not been had
on this defendant.
2. For that it affirmatively appears from this case
and from the papers herein filed that this defendant
is a minor, and this defendant, a minor, further
shows unto this Honorable Court that he is an
unmarried minor and that prior to the purported
service of a copy of the summons and complaint as
amended upon his father, Matt H. Murphy, Sr., this
defendant, a minor, in certain divorce proceedings
as between his father and mother had been awarded to
his mother, and his mother had sole and exclusive
custody of this defendant, and his said mother has
not been served with a copy of the said summons and
complaint, and neither has any legal guardian of this
defendant been served with a copy of summons and
complaint.

RECORDED

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

First National Bank of Mobile,
a corporation, as Administrator,
of the estate of Joseph Roy
Campbell, deceased,

plaintiff,

Vs.

Matt H. Murphy, Jr., a minor,
Defendant.

MOTION TO QUASH SERVICE.

Filed Aug 3, 1932

W. P. Richardson

Clerk

London, Yancey & Brower,
Attorneys for Defendant.

12

London Vance & Browne
Attorneys for the Defendant,
Matt E. Murphy, Jr., appearing
herein specially for the purposes
hereinabove shown and for no other
purposes whatsoever.

1593-2 Original
RECORDED

No.

33870

The State of Alabama,

Baldwin County

CIRCUIT COURT

First National Bank of Mobile,

a corporation as administrator
of the estate of Joseph R. Campbell,
deceased.
VS.

Mrs. Mary M. Phach.

Counsel

Defendants.

SUMMONS AND COMPLAINT

Filed August 2nd 1920

Defendant lives at

Thornton and Frazer.

Plaintiff's Attorney,

Defendant's Attorney,

Received in Office

192

Sheriff.

I have executed this Writ

This

192

by leaving a copy of the within summons and
complaint with

EXECUTED this 2nd

day of August

1920

by leaving a copy of the within writ

Mrs. Mary M. Phach

W. D. DOWNS, Sheriff, Jefferson Co., Ala.

BY J. M. Gammie D. S.

Sheriff.

Deputy Sheriff.

Moore Printing Co. Hay Minette, Ala.

(4)

James C. Hays on Bond
Mary M. Phach
M. C.

The State of Alabama, Baldwin County } No. _____
Bay Minette-Ala-Aug-2nd 1930
CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon

Mrs. Mary Teach,

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

First National Bank of Mobile, a corporation as administrator of the estate of Joseph Roy Campbell, deceased.

Witness my hand this 2nd day of August 1930

W. J. Teach
Clerk.

Complaint

VS.

Plaintiff.

Defendant.

The plaintiff claims of the defendant the sum of

Dollars.

No.

The State of Alabama,

Baldwin County

CIRCUIT COURT

First National Bank of Mobil
corporation, as administrator
the estate of Joseph Campbell,
deceased.

vs.

Matt H. Murphy, et al,
 2124 Highland Ave
 Defendants,
 244 X 3

SUMMONS AND COMPLAINT

22.14-Subiff P.D.
Filed August 2nd 1920

T. M. Pinner Clerk,
Defendant lives at

Thornton & Frazer.....

-----, Plaintiff's Attorney,
-----, Defendant's Attorney.

1. Name & Copy on
 2. Subject & number of
 Birmingham Ave

Received in Office

192
Sheriff.

I have executed this Writ

This _____ by leaving a copy of the within summons and complaint with _____

In v a Bussch

NOT FOUND in Jefferson County this

the 8 day of Aug. 1930
W. O. DOWNS, Sheriff, Jefferson Co., Ala.

By Lee H. Carter, Jr. D.S.

----- Sheriff.

Deputy Sheriff.

Moore Printing Co. ::: Bay Minette, Ala.



The State of Alabama,
Baldwin County

No. _____ CIRCUIT COURT.
Bay Minette Ala August 2nd ^{Amended} Term 1930

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Matt H. Murphy, Jr., a minor,

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

First National Bank of Mobile, a corporation as administrator
of the estate of Joseph Campbell, deceased.

Witness my hand this 2nd day of August 1930

J. W. Rescurren Clerk.

Complaint

vs.

Plaintiff.

Defendant.

The plaintiff claims of the defendant the sum of

Dollars.

Plaintiff's Attorney

No.

The State of Alabama,

Baldwin County

CIRCUIT COURT

First National Bank of Mobil
corporation, as administrator
the estate of Joseph Campbell,
deceased.

vs.

Matt H. Murphy, et al,
v 124 H'land Ave
Defendants,
244 A-3

SUMMONS AND COMPLAINT

32-14-Sub E P.D.
Filed August 2nd 1930

T. M. Pinner Clerk,
Defendant lives at

Thornson & Frazer.....

_____, Plaintiff's Attorney,
_____, Defendant's Attorney,

Received Copy of
Letter A Murphy Jr
Birmingham Ala

Received in Office

192
Sheriff.

I have executed this Writ

This _____ by leaving a copy of the within summons and complaint with _____

In v a Bussch

NOT FOUND in Jefferson County this

the 8 day of Aug. 1930
W. O. DOWNS, Sheriff, Jefferson Co., Ala.

By Lee H. Carter, Jr. D.S.

-----, Sheriff.

Deputy Sheriff.

Moore Printing Co. ::: Bay Minette, Ala.



The State of Alabama, Baldwin County

CIRCUIT COURT

To Any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Matt H. Murphy, Jr.

to appear in the Circuit Court of Baldwin County, Alabama, at the place
of holding the same and plead, answer, or demur, within thirty days from service hereof to the complaint of
First National Bank of Mobile a corporation, as Administrator of the
Estate of Joseph Roy Campbell, Deceased,

Witness this 14th day of August, 1931

T. W. Richardson, Clerk.

IF THE DEFENDANT FAILS TO APPEAR AND PLEAD, ANSWER OR DEMUR WITHIN THIRTY DAYS AFTER SERVICE THE PLAINTIFF MAY TAKE JUDGMENT BY DEFAULT.

COMPLAINT

VS.

Plaintiff

Defendant

And the Plaintiff.....claim..... of the Defendant.

..Dollars, due

No. Alias Summons.

The State of Alabama

County

CIRCUIT COURT

First National Bank of Mobile

of the

as Administrator of the estate of

J. Roy Campbell deceased Plaintiff

vs.

J. Matt Murphy, Jr.,

Defendant

Alias Summons and Complaint

Filed this 23rd day of

June

1931

Clerk.

Thornton & Frazer

Plaintiff's Attorney.

2030 11 am
 done pursuant to
 the 1st of 1st 1931

(Box 608-2) MARSHALL & BRUCE CO., NASHVILLE

The State of Alabama,

COUNTY

To the Sheriff of _____ County:

Whereas, the Plaintiff in the within stated cause has made affidavit and given bond as required by law, you are hereby required to take the property mentioned in the complaint into your possession, unless the Defendant give bond payable to the Plaintiff with sufficient surety in double the amount of the value of the property, with condition that if the Defendant

cost in the suit, within thirty days thereafter, deliver the property to the Plaintiff, and pay all costs and damages which may accrue from the detention thereof.

Clerk.

EXECUTED this the 17

day of August 1931

by leaving a copy of the within with

Matt. A. Murphy

JAS. P. HAWKINS, Sheriff,

Jefferson County, Ala.

By J. M. Roberts D.S.

EXECUTED this the 17

day of August 1931

by leaving a copy of the within with

Mrs. Mary M. Thacker

JAS. P. HAWKINS, Sheriff,

Jefferson County, Ala.

By J. M. Roberts D.S.

201
FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administrator of the
Estate of Joseph Roy Campbell, De-
ceased,

Plaintiff.

vs.

MATT H. MURPHY, JR., a minor,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

9523.

1. The plaintiff, First National Bank of Mobile, a corporation, as administrator of the Estate of Joseph Roy Campbell, deceased, claims of the defendant the sum of Fifty Thousand (\$50,000.00) Dollars, for this: that on to-wit the 12th day of June, 1930, while its intestate, Joseph Roy Campbell, was driving or operating a Ford car on a public highway in Baldwin County, Alabama, which highway leads from the Bay Bridge to the Town of Loxley in said State and County, at a point on said highway about six miles westwardly from the Town of Loxley, the defendant, Matt H. Murphy, Jr. did then and there so negligently drive or operate the automobile which he was driving or operating as to cause his said automobile to collide with and crash with great force and violence into, upon or against the automobile driven by the said Joseph Roy Campbell at said time and place, that as the proximate result of said negligence of the defendant, the said Joseph Roy Campbell was bruised and injured internally and externally so that he died; all to its damage in the aforesaid sum, wherefore, it sues.

2. The plaintiff, First National Bank of Mobile, a corporation, as administrator of the Estate of Joseph Roy Campbell, deceased, claims of the defendant the sum of Fifty Thousand (\$50,000.00) Dollars, for this: That on to-wit the 12th day of June, 1930, while its intestate, Joseph Roy Campbell was driving or operating his Ford car on a public highway in Baldwin County, Alabama, which highway leads from the Bay Bridge to the Town of Loxley in said State and County, at a point on said highway about six miles westwardly from the Town of Loxley, the defendant, Matt

H. Murphy, Jr., did then and there so wantonly and wilfully drive or operate the automobile which he was driving or operating as to cause his said automobile to collide with and crash with great force and violence into, upon or against the automobile driven by the said Joseph Roy Campbell at said time and place, that as the proximate result of said wantonness and wilfulness of the defendant, the said Joseph Roy Campbell was killed in said collision; all to its damage in the aforesaid sum; wherefore, it sues.

THORNTON & FRAZER

ATTORNEYS FOR PLAINTIFF.

Plaintiff demands trial by jury of the above entitled cause.

THORNTON & FRAZER

ATTORNEYS FOR PLAINTIFF.

H. Murphy, Jr., did then and there so negligently drive or operate the automobile which he was driving or operating as to cause his said automobile to collide with and crash with great force and violence into, upon or against the automobile driven by the said Joseph Roy Campbell at said time and place, that as the proximate result of said negligence of the defendant, the said Joseph Roy Campbell was killed in said collision; all to its damage in the aforesaid sum; wherefore, it sues.

3. The plaintiff, First National Bank of Mobile, a corporation, as administrator of the Estate of Joseph Roy Campbell, Deceased, claims of the defendant the sum of Fifty Thousand and \$50,000.00) Dollars, for this: that on to-wit the 12th day of June, 1930, while its intestate, Joseph Roy Campbell, was driving or operating a Ford car on a public highway in Baldwin County, Alabama, which highway leads from the Bay Bridge to the Town of Loxley in said State and County, at a point on said highway about six miles westwardly from the Town of Loxley, the defendant Matt H. Murphy, Jr., did then and there so wantonly and wilfully drive or operate the automobile which he was driving or operating as to cause his said automobile to collide with and crash with great force and violence into, upon or against the automobile driven by the said Joseph Roy Campbell at said time and place, that as the proximate result of said wantonness and wilfulness of the defendant, the said Joseph Roy Campbell was bruised and injured internally and externally so that he died; all to its damage in the aforesaid sum; wherefore, it sues.

4. The plaintiff, First National Bank of Mobile, a corporation, as administrator of the Estate of Joseph Roy Campbell, deceased, claims of the defendant the sum of Fifty Thousand \$50,000.00) Dollars, for this: That on to-wit the 12th day of June, 1930, while its intestate, Joseph Roy Campbell was driving or operating his Ford car on a public highway in Baldwin County, Alabama, which highway leads from the Bay Bridge to the Town of Loxley in said State and County, at a point on said highway about six miles westwardly from the Town of Loxley, the defendant, Matt

FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administrator
of the Estate of Joseph Roy
Campbell, Deceased.

Plaintiff.

versus.

MATT H. MURPHY, JR., a minor,
Defendant.

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

Now comes the plaintiff in the above entitled cause and
amends his complaint in said cause in the following manner, viz.:-

1. By inserting in the caption just after the
words "Matt H. Murphy, Jr., a minor" the words "and Mrs. Mary
M. Thach", and by changing the word "defendant" to the word "de-
fendants".
2. By inserting in the first count of said
complaint just after the words "Joseph Roy Campbell" and just
before the words "was driving or operating a Ford car" the
following, viz.:- "while acting as the agent or servant of
the defendant, Mary M. Thach".
3. By inserting in the second count of said
complaint just after the words "Joseph Roy Campbell" and just
before the words "was driving or operating" the following, viz.:-
"while acting as the agent or servant of the defendant, Mary M.
Thach".
4. By striking out the word "his" where it oc-
curs just after the words "was driving or operating" and just
before the words "Ford car on a public highway", and by insert-
ing in lieu thereof the word "a".
5. By inserting in the third count of said
complaint just after the words "Joseph Roy Campbell" and just

before the words "was driving or operating a Ford car" the following, viz.:- "while acting as the agent or servant of the defendant, Mary M. Thach".

THORNTON & FRAZER

HARRY T. SMITH & CAFFEY.

ATTORNEYS FOR PLAINTIFF.

A L I A S

The State of Alabama, _____ County

CIRCUIT COURT

To Any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon MATT H. MURPHEY, JR.,

to appear in the Circuit Court of BALDWIN County, Alabama, at the place
of holding the same and plead, answer, or demur, within thirty days from service hereof to the complaint of
First National Bank of Mobile, a corporation, as ad- Amended
ministrators of the Estate of Joseph Roy Campbell, deceased

Witness this 9th day of July, 19 32

D. W. Riccerson, Clerk.

IF THE DEFENDANT FAILS TO APPEAR AND PLEAD, ANSWER OR DEMUR WITHIN
THIRTY DAYS AFTER SERVICE THE PLAINTIFF MAY TAKE JUDGMENT BY DEFAULT.

COMPLAINT

VS.

Plaintiff

Defendant

And the Plaintiff claim of the Defendant

Dollars, due

The State of Alabama

BALDWIN County

CIRCUIT COURT

FIRST NATIONAL BANK OF MOBILE,
a corporation, as administrator
of the estate of Joseph
Roy Campbell, deceased

Plaintiff

vs.

MATT H. MURPHY, JR.,

Defendant

A L I A S Summons and Complaint

Filed this 9th day of

19 32

JULY

Clerk.

HARRY T. SMITH & CATTLEY

Plaintiff's Attorney.

Will 1st Mat R

The State of Alabama,

COUNTY

To the Sheriff of County:

Whereas, the Plaintiff..... in the within stated
cause ha..... made affidavit and given bond as
required by law, you are hereby required to
take the property mentioned in the complaint
into your possession, unless the Defendant.....
give..... bond payable to the Plaintiff..... with
sufficient surety in double the amount of the
value of the property, with condition that if the
Defendant

cost in the suit,
within thirty days thereafter, deliver the property
to the Plaintiff....., and pay all costs and damages
which may accrue from the detention thereof.

....., Clerk.

Received this day

19

Sheriff.

Executed this 12th day

of July, 1932, by

leaving a copy of the within Summons and Com-

plaint with Matt H. Murphy Sr

for Matt H. Murphy Jr

Defendant

James F. Harrison
Sheriff.

(\$50,000.00 suit).

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

A T T A W.

NO. _____.

FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administra-
tor of the estate of JOSEPH
ROY CAMPBELL, deceased,

Plaintiff,

V.

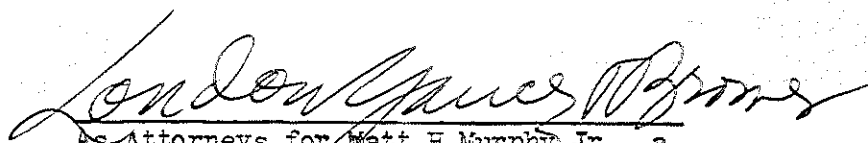
MATT H. MURPHY, Jr., a minor,

Defendant.

MOTION TO QUASH SERVICE.

Comes Matt H. Murphy, Jr., a minor, defendant in the above named case, through his Attorneys, and without admitting the jurisdiction of this court, and appearing herein specially for the purposes hereinafter enumerated, and for no other purpose whatsoever, and limiting his appearance to the said purposes herein named, moves this Honorable Court to quash and hold for naught the purported service of summons and complaint upon him in this cause, and for grounds of said Motion sets down and assigns separately and severally the following, to-wit:

1. For that the purported service of summons and complaint upon this defendant is upon its face void.
2. For that upon its face the purported service of summons and complaint upon this defendant is defective.
3. For that upon its face the purported service of summons and complaint upon this defendant is illegal.
4. For that the summons and complaint in this case were not served upon this defendant personally.
5. For that no officer authorized by law to serve summons and complaints has served this defendant with a summons and complaint in this cause.
6. For that this defendant is a minor, and the requirements of law have not been complied with with respect to securing adequate service upon a minor, this defendant.


As Attorneys for Matt H. Murphy, Jr., a
minor, appearing in this cause specially
for the purposes hereinabove enumerated,
and for no other purpose whatsoever.

FIRST NATIONAL BANK OF MOBILE,
A Corporation, as Administrator
of the Estate of Joseph Roy
Campbell, Deceased,

Plaintiff,

-vs-

MATT H. MURPHY JR., a Minor,
and MRS. MARY M. THACH,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

NO. 9523.

AMENDED MOTION RELATIVE TO SERVICE OF SUMMONS & COMPLAINT.

Comes the Defendant, Matt H. Murphy Jr., a minor, and appearing herein specially for the purposes hereinafter shown and for no other purposes whatsoever, and limiting his appearance herein to the special purposes hereinafter shown, by leave of Court first had and obtained, amends his Motion to quash service, as filed in this cause under date of August 3rd, 1932, by making the said Motion read as follows, instead of and in lieu of the language of the said Motion as heretofore filed, to-wit:-

The said Defendant, Matt H. Murphy Jr., a minor, moves this Honorable Court to quash and hold for naught the purported service of Summons & Complaint upon him in this cause, or in the alternative that this Court enter an appropriate order holding the said service of the Summons & Complaint as being imperfect and defective, and for grounds of this Motion this Defendant sets down and assigns separately and severally the following, to-wit:-

1st. For that it affirmatively appears from the Summons and Complaint in this cause as amended that this Defendant is a minor, and it is not averred in the said Summons and Complaint as amended that this Defendant is married, and it does not affirmatively appear from any return made by the Sheriff or Deputy Sheriff on either the original of Summons & Complaint or upon any Amendment thereof, or upon any alias Summons & Complaint in the said cause that his father or mother or guardian has been served with a copy of the Summons & Complaint in this cause; neither does it appear from any return made in this cause by the Sheriff or his Deputy, nor is it made to appear otherwise in this cause, that this Defendant has neither mother, father nor guardian in this State.

(page two)

2nd. For that it does not affirmatively appear from the return made by any proper officer in this case that this Defendant has been properly served to the extent that the cause is now ready for trial, in that it does not affirmatively appear that the father, mother or guardian of this infant has been served as required by Section 9437 of the Alabama Code of 1923.

3rd. For that it does not affirmatively appear from the return of service as made in this cause that a copy of the Summons & Complaint has been served upon any person having the maintenance or charge of this Defendant, and it further appears from the Summons & Complaint in the cause that this Defendant is a minor, and no averment is made in the Summons & Complaint as amended that this Defendant is married.

4th. For that from aught that appears to the contrary on the return as to service in this cause Matt H. Murphy Sr., is not a proper person to be served in order to perfect service upon this Defendant who is a minor.

5th. For that it does not affirmatively appear from any of the returns made in this cause as to service of Summons & Complaint that Matt H. Murphy Sr., is either the father, mother or guardian of this infant, or the person having the maintenance or charge of this infant; neither is there any averment in the Summons & Complaint or in any Amendment thereof to the effect that this infant defendant is married.

6th. For that this Defendant was not personally served with a copy of Summons & Complaint in this cause.

7th. For that Matt H. Murphy Sr., was not personally served with a copy of Summons & Complaint in this cause.

8th. For that no return as made in this cause relative to service of Summons & Complaint prima facie makes out a proper and legal service upon this Defendant so that the cause could stand ready for trial.

Hybart, Heard, & Chason
London Yancy & Brown
Attorneys for the Defendant Matt
H. Murphy Jr., appearing herein
specially for the purposes herein-
above shown and for no other pur-
poses whatsoever.

First National Bank
of Mobile, as

Admin etc.

Plaintiff

v.

Mat H. Murphy Jr
et al

Defendants

Amendment of Motion to
Dismiss Service as to
Mat H. Murphy Jr, a
Minor.

Filed August 23,
1933.

M. C. Lane
Clerk

FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administrator
of the Estate of JOSEPH ROY
CAMPBELL, Deceased,

Plaintiff,

-VS-

MRS. MARY M. THACH,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

The plaintiff, First National Bank of Mobile, a corporation, as administrator of the Estate of Joseph Roy Campbell, deceased, claims of the defendant the sum of One Thousand (\$1000.00) Dollars, for this: That on to-wit the 12th day of June, 1930, while its intestate, Joseph Roy Campbell, was driving or operating his Ford car on a public highway in Baldwin County, Alabama, which highway leads from the Bay Bridge to the Town of Loxley, in said State and County, at a point on said highway about six miles westwardly from the Town of Loxley, an agent of the defendant named Matt H. Murphy, Jr., a minor, who was acting within the line and scope of his authority as such agent of the defendant, did then and there so negligently drive or operate the automobile, which he was driving or operating as to cause the said automobile to collide with and crash with great force and violence into, upon or against the automobile as driven and owned by the said Joseph Roy Campbell at said time and place, that as the proximate result of said negligence of the said agent of the defendant, the said intestate's Ford Car was broken, injured and wrecked so that as the proximate result thereof the said car was made useless or worthless, all to its damage in the aforesaid sum: Wherefore, plaintiff sues.

THORNTON & FRAZER

Attorneys for Plaintiff.

Plaintiff demands trial by jury.

THORNTON & FRAZER

Attorneys for Plaintiff.

FIRST NATIONAL BANK OF MOBILE,
A Corporation, As Administrator
of the Estate of Joseph Roy
Campbell, Deceased,

Plaintiff,

-vs-

MATT H. MURPHY JR., a Minor,
and MRS. MARY M. THACH,

Defendants.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

NO. 9525.

AFFIDAVIT IN SUPPORT OF AMENDED MOTION FILED BY MATT H. MURPHY JR.,
TO QUASH SERVICE OF SUMMONS & COMPLAINT.

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me, the undersigned authority in and for said
State and County, personally appeared Whit Windham, known to me,
and who being by me duly sworn deposes and says:-

That he lives in Birmingham, Alabama, and has resided
there for approximately eight years; that he is personally ac-
quainted with the Defendant, Matt H. Murphy Jr., and has been per-
sonally acquainted with him for many years; that he knows the
father of Matt H. Murphy Jr., and has been personally acquainted
with him for many years; that he knows that Matt H. Murphy Jr., is
a minor under the age of twenty-one years, and that he is unmarried
and has never been married, and that the father of Matt H. Murphy
Jr., resides in Birmingham, Alabama, and has resided there con-
tinuously and has had his place of residence there continuously
for the entire period of time since the filing of this litigation
in June of 1930. The Affiant, Whit Windham, further says that he
has personal knowledge of the foregoing facts set forth in this
Affidavit and that the same are true and correct.

This the 23rd day of August, 1933.

Whit Windham

Sworn to and subscribed before
me, this 23rd day of August, 1933.

John P. ...
Notary Public, Baldwin County,
State of Alabama.