

JOHN LONDON
GEORGE W. YANCEY
WALTER BROWER
JIM SMITH
AL. G. RIVES
WHIT WINDHAM
J. KIRKMAN JACKSON
CLIFFORD EMOND
JONES KINZER
MAYER NEWFIELD
BRYAN CHANCEY

LAW OFFICES OF
LONDON, YANCEY & BROWER
FIRST NATIONAL BANK BUILDING

BIRMINGHAM, ALA.

September 8th, 1931.

Honorable T. W. Richerson,
Clerk Circuit Court Baldwin County,
Bay Minette, Alabama.

RE: { Suit pending in your court in behalf
of First National Bank of Mobile, as
Administrator of the estate of Joseph
Roy Campbell, plaintiff, vs.
Matt H. Murphy, Jr. - claim being made
for \$50,000.00 damages; and
In re suit pending in your court by
First National Bank of Mobile, as
Administrator of Joseph Roy Campbell,
plaintiff, vs. Matt H. Murphy, Jr.,
a minor, defendant - damages being
asked in the sum of \$1,000.00.

Dear Sir:

We are enclosing herewith to be filed in each of the above named cases a motion to quash service in behalf of the defendant, Matt H. Murphy, Jr. According to the copies in our file, these cases do not appear to be numbered, but a motion is being enclosed in behalf of Matt H. Murphy, Jr., in each of the two cases, and we would thank you to see that it is accordingly so filed.

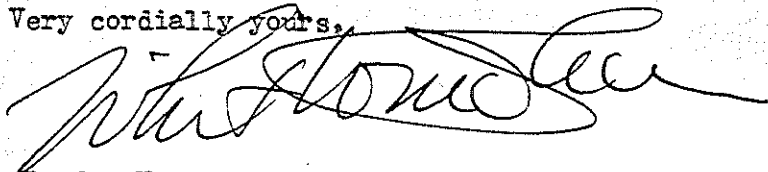
In the first of the two cases named in the caption to this letter, that is, in the \$50,000.00 suit against Matt H. Murphy, Jr., it is our understanding that through an amendment filed on August 2nd, 1930, Mrs. Thach was made a party defendant to this suit. Our record shows that on August 13th, 1930, in behalf of Mrs. Mary M. Thach, we filed a Plea in Abatement in this case, and we therefore do not understand why in the same case she has been again served by the Sheriff under date of August 17th, 1931. The particular plea in abatement in question does not deny that she was served in this case, but makes the point that the plaintiff has no right to sue her in the said case. Accordingly, we are filing no further paper with reference to the recent service upon Mrs. Thach of another copy of the summons and complaint, as

additional appearance would not be necessary if your records show the Plea in Abatement which we filed in this same case in behalf of Mrs. Thach on August 13th, 1930.

With reference to the second of the above named suits, the one for \$1,000.00 damages, we are enclosing herewith a Motion in behalf of Mrs. Thach. We would thank you to file this motion in that case.

In each instance, we are enclosing herewith a receipt for filing, and we would thank you to sign these receipts and date them and return them to the writer in the enclosed stamped and addressed envelope. This for the completion of our file, and in order to assist us in keeping up with the exact status of all papers filed.

Very cordially yours,

A handwritten signature in dark ink, appearing to read "L. Yancey and Brower", written in a cursive style.

London Yancey and Brower.

ww
if
enc.

(\$1,000.00 suit).

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

A T E A W.

NO. _____.

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

Plaintiff,

vs.

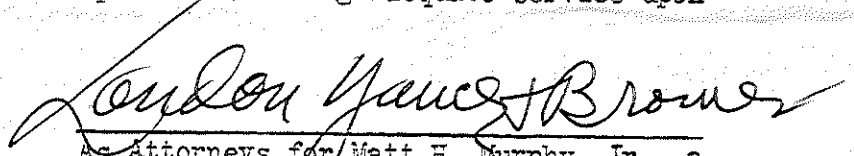
MATT H. MURPHY, Jr., a minor,

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.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF

No.

Judgment

Term, 193

First National
Bank of Mobile

VS.

Math H. Murphy Jr
Amir

DEAR SIRs—At the

Term, 1933, of the above Court

recovered a judgment against

for the sum of

Dollars,

besides

was duly issued thereon, commanding any Sheriff of the State that he cause to be made of the goods and chattels, lands and tenements of said

the amount of judgment and costs, and the Sheriff has returned said execution endorsed, "No Property Found," and the costs have not yet been paid. I herewith give below an itemized statement of the costs which have accrued in this cause, and respectfully request that you will, on receipt of this, remit the amount and save the additional expense of an execution against you. If I do not hear from you in a few days I will be forced to issue an execution for costs. Please return this with remittance. Respectfully yours,

CLERK'S FEES

Issuing Summons and Complaint	\$1 25
Copies of same, when over 200 words, 15c; per 100	30
Issuing Alias Summons and Complaint	1 25
Entering Sheriff's Return on Summons and Complaint	20
Docketing Cause 25c. Ent. Appearance 20c	45
Subpoena for Witness	30
Making Certificate of Judgment	50
Filing	10
Trial and Incidents	75
Entering Judgment, or copy of same	30
Order for Continuance	10
Issuing Execution	50
Docketing Execution	25
Issuing copy of same	50
Entering Sheriff's Return on Execution, 15c per hundred words	20
Final Record, 15c per hundred words	30
Order for Alias Summons and Complaint	30
Order to Dismiss Cause	30
Order to Set Aside Dismissal	30
Order Overruling Motion to Set Aside Dismissal	75
Order Granting New Trial	30
Order Overruling Motion for New Trial	30
Order Overruling Motion for Continuance	30
Order Overruling Motion to Set Aside Default	30
Order for Notice to Non-Resident Defendant	30
Issuing Notice for Publication and Copy, 20c per hundred words	30
Order to Give Security for Costs	30
Order to Give Additional Bond	30
Order to Execute Writ of Inquiry	30
Order of Sale in Attachment	30
Order for Leave to Amend Complaint	30
Order for Leave to Amend Pleas	30
Order for Leave to Amend Writ of Process	30
Order for Attachment for Witness	30
Filing Deposition	10
Issuing Commission to Take Deposition	75
Issuing copy of same, 15c per 100 words	50
Issuing Copy of Interrogatories, 15c per hundred words, but not less than	10
Endorsing each Pet. Deposition Opened	75
Taking Bond in Garnishment on Summons	50
Summons to Garnishee	50
Copies of same, 20c per hundred words	50
Notice to Defendant in Garnishee on Summons, and copy, 20c per 100 words	50
Swearing Garnishee and Recording Answer, 15c per hundred words but not less than	10
Filing Attachment	10
Issuing Attachment Writ and Taking Bond	1 00
Issuing Copies of Attachment Writ, 15c per hundred words	15
Filing Certiorari and Entering Return	75
Taking Certiorari Bond and Filing Same	75
Issuing Writ of Certiorari	75
Issuing copies of Same, 15c per 100 words	75
Issuing Writ of Scieri Facias or Notice in Nature of	75
Issuing copies of same, 15c per 100 words	75
Taking Supersedeas Bond and filing same	75
Taking Appeal Bond and filing same	75

TOTAL FORWARDED

Dollars Cts

1.25

60

20

45

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75

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AMOUNT BROUGHT FORWARD

Transcript to Supreme Court, 15c per hundred words	25
Copies, 5c per hundred words	25
Citation to Appellee in Appeal, 20c per hundred words	25
Certificate with Seal, 50c. Without Seal	25
Witness Certificate	25
Taking Bond Not Above Mentioned	75
Entering Order of Court not above named	30
Administering Oath	25
Taking Bond for Costs of Non-Resident Plaintiff	75
Copy of any paper not above named, 15c per hundred words	1.00
Filing Writ of Prohibition and Entering Return	15
Issuing Writ of Prohibition	75
Issuing copies of same, 15c per 100 words	15
Filing Mandamus and Entering Return	15
Issuing Writ of Mandamus	75
Issuing copies of same, 15c per 100 words	75

SHERIFF'S FEES

Serving and Returning Summons	\$1 50
Serving and Returning Subpoenas	65
Collecting Execution for Costs	1 50
Serving and Returning Sci. Fa. Notice, etc.	65
Executing Writ of Possession	2 50
Levying Attachment	3 00
Entering and Returning Attachment	25
Entering and Returning Execution	25
Summoning and Returning Garnishee	1 50
Taking and Approving Garnishee Bond	75
Serving and Returning Writs	1 50
Serving and Returning Summons on Forcible Entry	1 00
Executing Writ of Restitution in such cases	2 00
Taking and Approving Bonds of Every Kind	1 00
Taking and Approving Claim Bond	1 00
Taking and Approving Forthcoming Bond	1 00
Taking and Approving Bail Bond	1 00
Taking and Approving Plaintiff's Detinue Bond	1 00
Taking and Approving Defendant's Detinue Bond	1 00
Making Deed	2 50
Serving Attachment for Contempt of Court	1 50
Collecting Money on Execution	75
Empanelling Jury	75
Sheriff's Commission for Property Sold Under Attachment	3 00
Seizing Personal Property on Writ of Detinue	3 00

RECAPITULATION

Judgment	
Interest	
Clerk's Fees	7.45
Sheriff's Fees	1.50
Justice's Fees	
Constable's Fees	
Witnesses' Fees	
Commissioner's Fees	
Printer's Fees	
Stenographer's Fees	5 00
Answer of Garnishee	
Trial Tax	3 00

Total 11.95 \$

Received Payment this 4 day of Oct. 6, 1933

ATTEST:

M. A. Stone

Clerk Circuit Court, Baldwin County, Ala.

The State of Alabama, { No. _____
Baldwin County. } **CIRCUIT COURT.**
 Bay Minette, Ala., June 27, 1930
 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
 the place of holding the same, then and there to answer the complaint of
 the Estate of **JOSEPH ROY CAMPBELL,** Deceased,

Witness my hand this 27th day of June, 1930. ~~XXX~~

T. M. Reel

Clerk.

Complaint

vs.

Plaintiff.

Defendant.

The plaintiff claims of the defendant the sum of

Dollars

Plaintiff's Attorney

No.

CIRCUIT COURT

X

Plaintiffs,

vs.

MATTHEW H. MURPHY, Jr., a minor

Defendants

SUMMONS AND COMPLAINT

Filed June 27, 1930 192X

Clerk

Defendant lives at

Plaintiff's Attorney,

Defendant's Attorney

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

Received in Office

192

Sheriff.

I have executed this Writ

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

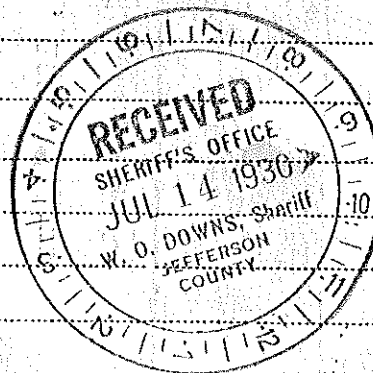
192

In MC

NOT FOUND in Jefferson County this

the 30 day of July 1930
W. O. DOWNS, Sheriff, Jefferson Co., Ala

By K. A. Hester D.C.



Sheriff

Deputy Sheriff

(B)

Moore Printing Co. 177 Bay Street, Ala.
 Serve Copy on
 Mr. Murphy Sr.
 121 N. Paul

The State of Alabama, { No. _____ CIRCUIT COURT.
 Baldwin County. { Bay Minette, Ala., June 27, 1930 Term 192

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon

HATT E. 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 ROY CASSELL, Deceased,

Witness my hand this 27th day of June, 1930.

T. W. Mc... Clerk.

Complaint

 vs.

 Plaintiff. Defendant.

The plaintiff claims of the defendant the sum of

Dollars

Plaintiff's Attorney

No.

Baldwin County

CIRCUIT COURT

Plaintiffs.

vs.

ALAN H. MURPHY, JR., a minor

Defendants.

SUMMONS AND COMPLAINT

Filed

192

Clerk.

Defendant lives at

_____, Plaintiff's Attorney.

Defendant's Attorney.

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

Moore Printing Co. Bay Minette, Ala.
Serve Copy on
Matt N. Murphy Jr.

Received in Office

192

Sheriff.

I have executed this Writ

192

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

Sheriff.

Deputy Sheriff

RECORDED
1000-1000
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.

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 (\$1,000.00) 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 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 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 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 & Froyer

Attorneys for Plaintiff.

Plaintiff demands trial by jury.

Thornton & Froyer

Attorneys for Plaintiff.

9528

Original

034

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

First National Bank, as Admin-
istrator of the Estate of
Joseph Roy Campbell, Deceased,

Matt H. Murphy, Jr., Minor.

COMPLAINT.

Filed June 27/1930

T. Whiteman
Clerk

Revie Colyer
Matt Murphy Jr

THORNTON & FRAZER,
Attorneys for Plaintiff.

Trar (A)

Received

Filed

The State of Alabama,
Baldwin County.

No. _____
Circuit Court.
~~Bay Minette Ala June 27, 1930~~
~~Term 192~~

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon **Matt E. 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

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

Witness my hand this 27th day of June 30 1922

T. W. Rice

Clerk.

Complaint

vs.

Plaintiff.

Defendant.

The plaintiff claims of the defendant the sum of

Dollars

Plaintiff's Attorney

COPY

9528

No.

RECORDED

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,

Plaintiffs.

VS.

MATT H. MURPHY, JR.,

Defendants.

SUMMONS AND COMPLAINT

Filed June 27, 1930

192

J. W. Rice

Clerk.

Defendant lives at

Plaintiff's Attorney.

Defendant's Attorney

Moore Printing Co. Bay Minette, Ala.

Serve copy on

Matt H. Murphy Jr.,

Received in Office

192

Sheriff.

I have executed this Writ

This 192

by leaving a copy of the within summons and
complaint with

NOT FOUND in Jefferson County

this the 30th day of July,

1930.

W. O. DOWNS, Sheriff.

Jefferson Co., Ala.

By G. A. Harlem, D. S.

RECEIVED Sheriff's Office

July 14, 1930 at 9:00 A. M.

W. O. Downs, Sheriff

Jefferson County.

Sheriff.

Deputy Sheriff

(\$1,000.00 suit).

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

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

Plaintiff,

VS.

MATT H. MURPHY, Jr., a minor,

Defendant.

MOTION TO QUASH PURPORTED
SERVICE OF SUMMONS AND
COMPLAINT.

Comes Mrs. Mary M. Thach specially for the purposes hereinafter enumerated, and for no other purposes whatsoever, and moves this Honorable Court to quash and hold for naught the purported service of summons and complaint upon her in this cause, and for grounds of said Motion sets forth and assigns, separately and severally, the following, to-wit:

1. For that there is no basis in law for the serving of a summons and complaint upon this defendant in this case, in that this so-called defendant is not as a matter of fact a defendant in this case, and is not a party therein and never has been made a party.
2. For that there was filed and pending in this court, prior to the purported service of summons and complaint upon this so-called defendant, Mary M. Thach, in this suit, another suit by this same plaintiff, suing for this same cause of action, which said prior suit is pending, undisposed of and outstanding in this court.
3. For that Mary M. Thach is not, through any amendment allowed by this court prior to the purported service of summons and complaint upon her, a party to this suit.

(London)
Rondson Yancey & Brone
As Attorneys for Mary M. Thach, appearing
herein specially for the purposes herein-
above enumerated, and for no other pur-
poses whatsoever.

SETTLEMENT, PETITION, PHYSICIAN'S CERTIFICATE, AND JUDGE'S ORDER OF
APPROVAL, UNDER WORKMEN'S COMPENSATION LAW OF ALABAMA

APPROVED AUGUST 23, 1919.

STATE OF ALABAMA,

County of Baldwin } ss.

IN THE MATTER OF COMPENSATION FOR INJURY

To Sam Strain Employee.

Against Riviera Utilities Corporation Employer.

SETTLEMENT
AND
PETITION.

The undersigned being the only parties interested in the above entitled matter, hereby petition the Court for approval of the following agreement and settlement, and agree and represent to the Court as follows:

That they are subject to the provisions of the Workmen's Compensation Law of 1919. That the said employee, aged 34, residing at Foley, Alabama can Alabama, who cannot read and understand the English language, did on the September 4 1920 on or about o'clock M., sustain injury by accident while employed by said employer, which injury occurred at Foley, Alabama and resulted in permanent partial disability of said employee and consisted of fracture of os calcis of right foot

That said employee was receiving, at the time of injury, wages at the rate of \$ 35.00 per week.

Therefore, it is hereby agreed that the employee is entitled to and shall receive compensation for said injury from the employer beginning September 4 1920, at the rate of \$ 12.00 per week during disability for 81 1/2 weeks payable as follows: 65% permanent partial disability in right foot for which 46 1/2 weeks of compensation has been paid and the commuted value of the remaining 33 weeks is \$368.4268 based on 6% table of Alabama Workmen's Compensation law; all subject to the limitations

of said Act, and the employee agrees to give proper receipts for each payment made hereunder.

The employee acknowledges that he has received to date medical and surgical treatment and benefits given by said Act and the employer agrees to continue to furnish the same, if any be necessary, to the extent and in the manner required by said Act. The employee agrees to present himself for examination, or if physically unable to do so, to submit to examination by the physician or physicians designated by the employer, when requested.

This settlement is substantially in accordance with Sections 12b and 13 of said Act. When all payments hereunder have been made the employer shall be, and hereby is released from all claims on account of said injury, under said Act or otherwise. This settlement contains the whole agreement between the parties hereto.

Dated at Foley, Alabama

September 21, 1931, 192

Sam Strain Employee.
Riviera Utilities Corp. Employer.
By Charles H. Harnett Agent

STATE OF ALABAMA,

County of Baldwin } ss.

On this 21st day of September, 1931, A. D. 192, before me, a Notary Public within and for said County and State, personally appeared Sam Strain to me known to be the identical person described in and who executed the foregoing instrument as employee, and acknowledged that the same is true; and that after reading the same or having the same read to him, and with a full understanding of the terms and the effect thereof, he executed the same as his free act and deed and for the uses and purposes therein expressed, and as a full settlement of all claims on account of said injury.

Notary Public, Baldwin County, Alabama.

My commission expires

My Commission Expires

October 1, 1931

W.C. Holmes
Sept 12, 1931
Mobile

Dr. W. C. Holmes, attending physician to Mr. Sam Strain since his injury on September 4, 1930, estimates the present permanent partial disability at 75% permanent partial loss of use in the right foot.

Dr. H. P. Cole, of Mobile, who recently examined the injured man, estimates that there is 55% permanent partial disability in the right foot.

For the purpose of settlement, both the employer and employee agree to pay and accept respectively on the basis of 65% permanent partial loss of use in the right foot.

To	Sam Strain	Employee.	ORDER APPROVING SETTLEMENT AND PETITION.
Against	Riviera Utilities Corp.,	Employer.	

Upon reading and filing the foregoing joint petition, agreement, and settlement of the parties, and being fully advised in the premises, and it appearing that the allegations of said petition are true and that said settlement is substantially in accordance with the provisions of the Workmen's Compensation Law of Alabama, 1919;

IT IS ORDERED that the said petition, settlement, and release be, and the same hereby are approved, and that the parties in all things conform thereto.

Dated at Bay Minette, Alabama,
September 22nd, 1931. 1931

J. W. Hare
Judge.

STATE OF ALABAMA,

COUNTY OF _____

CIRCUIT COURT

IN THE MATTER OF COMPENSATION
FOR INJURY

To

Employee.

Against

Employer.

SETTLEMENT and PETITION
and ORDER APPROVING
DISABILITY.

Filed on this _____ day of _____

A. D. 192 _____

at _____ o'clock _____ M. in this office

Clerk

By

Deputy.

certify that I am a physician duly licensed to practice in the State of Alabama; that I professionally attended _____, the person described as employee in the foregoing instrument; that his injury and the nature and extent of his disability are as follows:

Subscribed and sworn to before me this _____ day of _____ 192_____

Notary Public,
County, Alabama.
My commission expires _____

M. D.

STATE OF ALABAMA, } ss. IN THE CIRCUIT COURT.
County of Baldwin }

IN THE MATTER OF COMPENSATION FOR INJURY
To Sam Strain Employee.
Against Riviera Utilities Corp., Employer.
ORDER APPROVING SETTLEMENT AND PETITION.

Upon reading and filing the foregoing joint petition, agreement, and settlement of the parties, and being fully advised in the premises, and it appearing that the allegations of said petition are true and that said settlement is substantially in accordance with the provisions of the Workmen's Compensation Law of Alabama, 1919;
IT IS ORDERED that the said petition, settlement, and release be, and the same hereby are approved, and that the parties in all things conform thereto.
Dated at Bay Minette, Alabama,
September 22nd, 1931. 1931
J. W. Hare
Judge.

STATE OF ALABAMA,
COUNTY OF _____
CIRCUIT COURT
IN THE MATTER OF COMPENSATION
FOR INJURY
To _____
Against _____ Employee.

Employer.
SETTLEMENT and PETITION
and ORDER APPROVING
DISABILITY.
Filed on this _____ day of _____
at _____ o'clock _____ M. in this office
By _____ Clerk.
Deputy.
BROWN PRINTING CO., MONTGOMERY, 1923