

W. V. PHILLIPS and GENERAL  
EXCHANGE INSURANCE CORPORATION, )

Plaintiffs )

vs. )

T. J. APLIN, )

Defendant )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

Now comes the defendant in the above said cause and demurs to Counts 1 and 2, each separately and severally, and as grounds for such demurrer, as to each count, separately and and severally, assigns the following:

1. Because there are no facts averred showing that the defendant breached any duty owing by him to the plaintiffs.

2. Because there are no facts averred showing that the damages complained of were the proximate result of any negligence on the part of the defendant.

3. Because it is not averred or shown that the plaintiffs suffered any damage or injury as the proximate result of any negligence on the part of the defendant.

4. Because the averment "plaintiff's truck was wrecked and rendered unfit for use" is but a conclusion of the pleader.

5. Because the averment "and he was caused to incur expense in purchasing a new truck" is but the conclusion of the pleader and no facts are averred to support such conclusion.

6. Because said count fails to aver in what manner or what portions of the said truck were damaged with sufficient definiteness to inform the defendant as to what he is called upon to defend against.

7. Because said count fails to aver that the defendant negligently committed any act or did anything, the

proximate result of which damaged the plaintiffs.

8. Because the averment "which was then and there being driven by the defendant on his left or wrong side of the road" does not constitute negligence per se.

Wm. D. —  
Louise L. —  
ATTORNEYS FOR DEFENDANT

181

RECORDED  
301-20

Demurrer —

Filed this 7 days Sept 1905  
Arthur S. Quet  
Clerk-Register

Copy to J.B.B.

RECORDED

301-20

*Demander* —

Filed this *7* days *Sept* 19*15*  
*Frederick S. Quet*  
Clerk-Register

*Copy to J.B.B.*

Y

T

2

Robert S. Bleech

• • • • •

Y



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Y

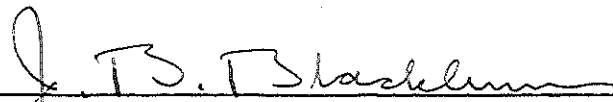
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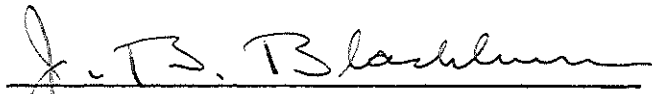
1. Plaintiff claims of the Defendant the sum of  
ars (\$1,000.00), damages for that heretofore on to-  
1934, the Defendant so negligently operated a  
public road in Baldwin County, Alabama, to-wit,  
Little River Public Road, at a point near the resi-  
use, at Stockton in Baldwin County, Alabama, that  
upon or against Plaintiff's truck and as a proxi-  
thereof Plaintiff's truck was wrecked and rendered  
he was caused to incur expense in purchasing a  
used to lose time from his work. Plaintiff avers  
said injuries and consequent damages as a proximate

consequence of the aforesaid negligence of the Defendant.

2. The Plaintiff claims of the Defendant the sum of One Thousand Dollars (\$1,000.00), as damages for that heretofore on to-wit, November 28, 1934, Plaintiff's motor truck was being operated on a public road in Baldwin County, Alabama, namely the Bay Minette-Little River road, at a point near the residence of W. D. Gause, at Stockton in Baldwin County, Alabama, when Plaintiff's said truck was run against, over or upon by the Defendant's motor truck which was then and there being driven by the Defendant on his left or wrong side of the road, and Plaintiff's truck was there wrecked and rendered unfit for use and he was caused to incur expense in purchasing a new truck and caused to lose time from his work. Plaintiff avers that all of the said injuries and damages were the proximate consequence of the aforesaid negligence of the said Defendant.

  
Attorney for Plaintiff.

Plaintiff demands a trial of said cause by jury.

  
Attorney for Plaintiff.

44  
Rec in office  
8/9/35  
M. Wilkins  
Sheriff

Executed this 17th day Aug 1935  
by serving copy of within summons and  
Complaint on  
T. J. Aplin

J. P. Borch Sheriff  
By W. M. Lindsey Deputy Sheriff

7/8/35  
RECORDED  
Original. 7-201

SUMMONS AND COMPLAINT.

W. V. PHILLIPS and GENERAL  
EXCHANGE INSURANCE CORPORATION,

Plaintiff,

VS.

T. J. APLIN,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO 181.

Filed Aug 9, 1935  
Robert S. Black

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

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