

BALDWIN
~~EXHIBIT~~
In The Circuit Court of ~~Jefferson~~ County, Alabama

VIRGINIA DENTON, ADMINISTRATRIX
(Plaintiff)

vs

No. 202

C.D. DEATON, individually and doing
business as DEATON TRUCK LINE
(Defendant)

DEMURRER:

Comes the defendant in the above entitled cause

and demurs to each count of the complaint filed herein, separately and severally, and for grounds of demurrer sets down and assigns separately and severally, the following:

- (1) That it does not state facts sufficient to constitute a cause of action against this defendant.
- (2) For that negligence is therein alleged merely as a conclusion of the pleader.
- (3) For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.
- (4) For that it does not appear with sufficient certainty what duty, if any, defendant may have owed to the plaintiff.
- (5) For that it does not appear with sufficient certainty wherein defendant violated any duty it may have owed to the plaintiff.
- (6) For that it does not sufficiently appear that the defendant owed any duty to the plaintiff which defendant negligently failed to perform.
- (7) For that the averments set up, if true, do not show any liability on the part of the defendant herein.
- (8) For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.
- (9) For that there does not appear sufficient causal connection between defendant's said breach of duty and plaintiff's injuries and damages.
- (10) For that there is a misjoinder of causes of action.
- (11) For that there is a misjoinder of parties plaintiff.
- (12) For that there is a misjoinder of parties defendant.

LONDON YANCZY SMITH & WINDEAM

By 

Attorneys for the Defendant.
1005 Massey Building
Birmingham, Alabama

No. 202

RECORDED

Book
7-344

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

VIRGINIA DENTON, Administratrix

Plaintiff

v.

DEATON TRUCK LINE,

Defendant.

DEMURRER.

Filed this *9* day *Jan* 19*25*
Robert L. Smith
Clerk-Register

LONDON, YANCEY, SMITH & WINDHAM
ATTORNEYS AT LAW
TENTH FLOOR MASSEY BUILDING
BIRMINGHAM, ALA.

Plaintiff's intestate was killed. Plaintiff avers that Plaintiff's intestate was killed and the consequent damages suffered as a proximate consequence of the aforesaid negligence of the Defendant's agent, servant or employee.

2. The Plaintiff, as Administratrix of the Estate of Eslye Denton, Deceased, claims of the Defendant the sum of Twenty-five Thousand Dollars as damages, for that heretofore on to-wit, September 20, 1935, Defendant's motor truck was being operated on a public road in Baldwin County, Alabama, namely the paved Robertsdale-Silverhill Road, at a point about one and three-tenths miles West of the intersection of said road with the Robertsdale-Foley Highway, when the truck in which Plaintiff's intestate was riding was run against, over or upon by the Defendant's motor truck which was then and there being driven by the Defendant's agent, servant or employee, while acting within the line and scope of his authority, on his left or wrong side of the road causing the death of the Plaintiff's intestate. Plaintiff avers that the said death and damages were the proximate consequence of the aforesaid negligence of the said Defendant's agent, servant or employee.

3. The Plaintiff, as Administratrix of the Estate of Eslye Denton, Deceased, claims of the Defendant the sum of Twenty-five Thousand Dollars as damages, for that on to-wit, the 20th day of September, 1935, while driving a truck in a westerly direction along the paved Robertsdale-Silverhill public road in Baldwin County, Alabama, at a point about one and three-tenths miles West of the intersection of the said road and the Robertsdale-Foley public road, Plaintiff's intestate was killed when the truck which he was operating was run into, over or upon by the Defendant's motor truck which was then and there being operated or driven in an easterly direction on the left or wrong side of the said road by the Defendant's agent or employee, who was then and there acting within the line and scope of his employment. Plaintiff avers that the death of her said intestate was caused by the negligence of the said agent or employee of the Defendant while acting within the

line and scope of his employment in and about the management and operation of the said motor truck.

J. B. T. Shacklun

Attorney for Plaintiff.

Plaintiff demands a trial of said cause by jury.

J. B. T. Shacklun

Attorney for Plaintiff.

Res in off
10-4-35
MFW Shff

Original .

RECORDED

Book
7-343

SUMMONS AND COMPLAINT.

EXECUTED this the 28th day
of Oct 1935
by leaving a copy of this within the
C. D. Deaton individually and
doing business as Deaton Truck Line
J. B. Blackburn
Sheriff,
Baldwin County, Ala.

VIRGINIA DENTON, Administratrix
of the Estate of Eslye Denton,
Deceased,

Plaintiff,

VS.

C. D. DEATON, Individually and
doing business as DEATON TRUCK
LINE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

NO 202

Filed on this the 4th day of
October, 1935.

J. B. Blackburn
Attorney

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

Circuit Court, Baldwin County

202 *Eugene Denton*
VS.
Denton Trust-Lime

PLAINTIFF

DEFENDANT

BILL OF COST

CLERK'S FEES		Dollars	Cts.	AMOUNT BROUGHT FORWARD		\$	Cts.
Issuing Summons and Complaint	\$1 25	1	25	Transcript to Supreme Court, 15c per hundred words			
Copies of same, when over 200 words, 15c per 100	30		30	Copies, 5c per hundred words			
Issuing Alias Summons and Complaint	1 25			Citation to Appellee in Appeal, 20c per hundred words			
Entering Sheriff's Return on Summons and Complaint	20		20	Certificate with Seal, 50c. Without Seal	25		
Docketing Cause 25c. Ent. Appearance, 20c	45		45	Witness Certificate	25		
Subpoena for Witness	30			Taking Bond Not Above Mentioned	75		
Making Certificate of Judgment	50		50	Entering Order of Court not above named	30		
Filing	10		10	Administering Oath	25		
Trial and Incidents	75		75	Taking Bond for Costs of Non-Resident Plaintiff	75		
Entering Judgment, or copy of same	30		30	Copy of any paper not above named, 15c per hundred words			
Order for Continuance	10		10	Filing Writ of Prohibition and Entering Return	15		
Issuing Execution	50		50	Issuing Writ of Prohibition	75		
Docketing Execution	25		25	Issuing copies of same, 15c per 100 words			
Issuing copy of same	50		50	Filing Mandamus and Entering Return	15		
Entering Sheriff's Return on Execution, 15c per hundred words	20		20	Issuing Writ of Mandamus	75		
Final Record, 15c per hundred words		3	00	Issuing copies of same, 15c per 100 words			
Order for Alias Summons and Complaint	30		30	Total Clerk's Fees			
Order to Dismiss Cause	30		30	SHERIFF'S FEES			
Order to Set Aside Dismissal	30		30	Serving and Returning Summons	\$1 50	1	50
Order Overruling Motion to Set Aside Dismissal	75		75	Serving and Returning Subpoenas	65		
Order Granting New Trial	30		30	Collecting Execution for Costs	1 50		
Order Overruling Motion for New Trial	30		30	Serving and Returning Sci. Fa. Notice, etc.	65		
Order Overruling Motion for Continuance	30		30	Executing Writ of Possession	2 50		
Order Overruling Motion to Set Aside Default	30		30	Levying Attachment	3 00		
Order for Notice to Non-Resident Defendant	30		30	Entering and Returning Attachment	25		
Issuing Notice for Publication and Copy 20c per hundred words				Entering and Returning Execution	25		
Order to Give Security for Costs	30		30	Summoning and Returning Garnishee	1 50		
Order to Give Additional Bond	30		30	Taking and Approving Garnishee Bond	75		
Order to Execute Writ of Inquiry	30		30	Serving and Returning Writs	1 50	1	50
Order of Sale in Attachment	30		30	Serving and Returning Summons on Forcible Entry	1 00		
Order for Leave to Amend Complaint	30		30	Executing Writ of Restitution in such cases	2 00		
Order for Leave to Amend Pleas	30		30	Taking and Approving Bonds of Every Kind	1 00		
Order for Leave to Amend Writ of Process	30		30	Taking and Approving Claim Bond	1 00		
Order for Attachment for Witness	30		30	Taking and Approving Forthcoming Bond	1 00		
Filing Deposition	10		10	Taking and Approving Bail Bond	1 00		
Issuing Commission to Take Deposition	75		75	Taking and Approving Plaintiff's Detinue Bond	1 00		
Issuing copy of same, per hundred words	15		15	Taking and Approving Defendant's Detinue Bond	1 00		
Issuing Copy of Interrogatories, 15c per hundred words, but not less than	50		50	Making Deed	2 50		
Endorsing each Pet. Deposition Opened	10		10	Serving Attachment for Contempt of Court	1 50		
Taking Bond in Garnishment on Summons	75		75	Collecting Money on Execution			
Summons to Garnishee	50		50	Empanelling Jury	75		
Copies of same, 20c per hundred words				Sheriff's Commission for Property Sold under Attachment			
Notice to Defendant in Garnishee on Summons, and copy, per hundred words	20		20	Seizing Personal Property on Writ of Detinue	3 00		
Swearing Garnishee and Recording Answer, 15c per hundred words, but not less than	50		50	Total Sheriff's Fees			
Filing Attachment	10		10	RECAPITULATION			
Issuing Attachment Writ and Taking Bond	1 00		1 00	Judgment			
Issuing Copies of Attachment Writ, 15c per hundred words				Interest			
Filing Certiorari and Entering Return	15		15	Clerk's Fees			
Taking Certiorari Bond and Filing Same	75		75	Sheriff's Fees			
Issuing Writ of Certiorari	75		75	Justice's Fees			
Issuing copies of same, 15c per 100 words				Constable's Fees			
Issuing Writ of Scieri Facias, or Notice in Nature of	75		75	Witnesses' Fees			
Issuing copies of same, 15c per 100 words				Commissioners' Fees			
Taking Supersedeas Bond and Filing same	75		75	Printer's Fees			
Taking Appeal Bond and Filing same	75		75	Stenographer's Fees	5 00		
TOTAL FORWARDED				Answer of Garnishee			
				Trial Tax	3 00		
				Total	\$		

Received payment this 24 day of Jan. 1936

ATTEST

Clerk Circuit Court, Baldwin County, Ala.

VIRGINIA DENTON, Administratrix
of the Estate of Esleie Denton,
Deceased,

Plaintiff,

VS.

C. D. DEATON, Individually and
doing business as DEATON TRUCK
LINE,

Defendant.

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

INTERROGATORIES TO BE PROPOUNDED TO THE DEFENDANT
UNDER SECTION 7764 OF THE 1923 CODE OF ALABAMA.

1. Is the Deaton Truck Line the correct name of the company that owned the truck which was involved in a wreck on the Robertsdale-Silverhill Highway in Baldwin County, Alabama, on the night of September 20, 1935, and is C. D. Deaton the sole owner of this company? If the Deaton Truck Line is not the correct name of the said company, please give its correct name and answer fully whether it is a corporation, an individual venture or a partnership. If it is an individual venture, give the correct name and address of the owner and if a partnership, the names and addresses of each and all of the partners.

2. Give the name of the party who was operating the truck of the Deaton Truck Line at the time it was involved in a wreck or accident between Robertsdale and Silverhill in Baldwin County, Alabama, on the night of September 20, 1935, and explain fully what connection he had with the Deaton Truck Line on the said date.

3. In what business was the motor truck of the Deaton Truck Line engaged on the night of September 20, 1935, when it was in a wreck between Robertsdale and Silverhill in Baldwin County, Alabama? That is, explain what was being hauled and for whom the trip was being made at the time of the said wreck?

J. B. Blackburn

Attorney for Plaintiff.

AFFIDAVIT.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is attorney for the Plaintiff in the above entitled cause and that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Plaintiff in the said cause.

J. B. Blackburn

Sworn to and subscribed before
me on this the 4th day of October, 1935.

Ora Simon

Notary Public, Baldwin County, Alabama.

Rec in office 10-4-35
msw. lff

Original

RECORDED
such
7-344

EXECUTED this the 28 day
of Oct 1935
by leaving a copy of the within with
C. D. Deaton and undaleys as
Doing Business as Deaton Truck Line

J. E. Pierce
Sheriff,
Baldwin County, Ala.

By _____
Deputy Sheriff.

INTERROGATORIES TO BE PROPOUNDED
TO THE DEFENDANT.

VIRGINIA DENTON, Administratrix
of the Estate of Eslie Denton,
Deceased,

Plaintiff,

VS.

C. D. DEATON, Individually and
doing business as DEATON TRUCK
LINE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO 205

Filed on this the 14 day of Oct-
ober, 1935.

J. B. Blackburn
Attorney

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