

MRS. CONSTANCE WILLIAMSON,

Plaintiff,

-VS-

LEWIS BEAR COMPANY, A  
CORPORATION,

Defendant.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA.

AT LAW

NO. 583

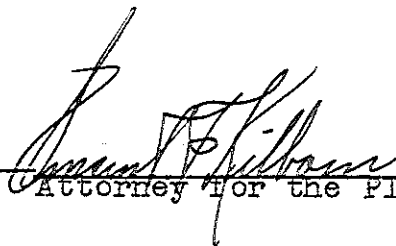
COUNT I

Plaintiff claims of the Defendant the sum of \$3,000.00 for that heretofore and on, to-wit, December 1, 1939, the Plaintiff was riding in an automobile on Temporary U. S. Highway No. 90, a public highway of the State of Alabama, between Loxley and Stapleton in Baldwin County and an agent or servant of the Defendant while acting within the line and scope of his employment and duty as such agent or servant negligently drove a truck of the Defendant upon and against the automobile the Plaintiff was riding in. And Plaintiff avers that as a direct and proximate consequence of the negligence as aforesaid the Plaintiff was damaged in that she was greatly bruised and battered about her breasts and body, one of her left ribs was fractured, the flesh was torn from the ribs on her left side, a deep hole was cut in her head, she suffered great loss of blood, physical pain and mental anguish, her knee was sprained, all to her damage as aforesaid.

COUNT II

Plaintiff claims of the Defendant the sum of \$3,000.00 damages for that heretofore and on, to-wit, December 1, 1939, Plaintiff was riding as a passenger in an automobile on Temporary U. S. Highway No. 90, a public highway in the State of Alabama, between Loxley and Stapleton in Baldwin County, Alabama, and an agent or servant of the Defendant while acting within the line and scope of his authority and duty

as such agent or servant, willfully or wantonly injured the Plaintiff by willfully or wantonly driving a truck upon and against the automobile in which the Plaintiff was riding. Plaintiff avers that such willful or wanton injury consists in this that the Plaintiff was greatly bruised and battered about her breasts and body, one of her left ribs was fractured, the flesh was torn from the ribs on her left side, a deep hole was cut in her head, she suffered great loss of blood, physical pain and mental anguish, her knee was sprained, all to her damage as aforesaid.

  
Attorney for the Plaintiff

Plaintiff demands this cause be tried by a jury.

  
Attorney for the Plaintiff

MRS. CONSTANCE WILLIAMSON,  
Plaintiff,

-VS-

THE LEWIS BEAR COMPANY, A  
Corporation,  
Defendant.

COMPLAINT AND SUMMONS

Filed this 7<sup>th</sup> day May 1940  
R. S. Duck  
Clerk-Receives

Now comes The Lewis Bear Company, a Corporation, the Defendant named  
in this suit, by its attorneys, and accepts service in said cause and  
waives further notice of same.  
Dated this 13th day of May, 1940.

The Lewis Bear Company, a Corporation,

By J. B. Blackman

J. Richard / H. M. Smith  
As its Attorneys.

MRS. CONSTANCE WILLIAMSON,  
Plaintiff,  
VS.  
THE LEWIS BEAR COMPANY,  
a Corporation,  
Defendant.

IN THE CIRCUIT COURT OF  
BAIDWIN COUNTY, ALABAMA.  
AT LAW. NUMBER \_\_\_\_.

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 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 casual connection between Defendant's said breach of duty and Plaintiff's injuries and damages.

10. It affirmatively appears that the alleged negligence on the part of the Defendant was not the proximate cause of the injury.

11. Because, for aught that appears the Plaintiff, by the exercise of reasonable care, could have avoided her injury.

12. No facts are alleged to show that the alleged negligence of the defendant proximately contributed to the alleged injury.

13. The words "Willful" and "wanton", as used in the complaint, characterize the act and not the injury as willful and wanton.

14. It does not appear therefrom that the defendant willfully and wantonly injured the plaintiff.

15. It alleges a willful and wanton act but does not allege a willful and wanton injury.

Richard H. Merritt

J. T. Tashler

Attorneys for Defendant.

PLEAS.

MRS. CONSTANCE WILLIAMSON,  
Plaintiff,

VS.

LEWIS BEAR COMPANY, A  
CORPORATION,

Defendant.

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

*Filed Aug 12 1940*  
*R. S. Smith*  
*Clk*

MRS. CONSTANCE WILLIAMSON,  
Plaintiff,

VS.

LEWIS BEAR COMPANY, A  
CORPORATION,  
Defendant.

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

PLEAS.

Now comes the Defendant in the above entitled cause and  
pleads in short by consent to each count of the Complaint, as follows:

The general issue, with leave to make any defense that  
might be well and specially pleaded with like leave to reply.

Richard H. Merrill

J. B. Blackburn  
Attorneys for Defendant.

DEMURRER.

MRS. CONSTANCE WILLIAMSON,

Plaintiff,

VS.

THE LEWIS BEAR COMPANY,  
a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER 183.

*Filed June 12, 1940*  
*R.S. Dyer, Clerk*



## COST BILL

State of Alabama, }  
BALDWIN COUNTY

## CIRCUIT COURT. (LAW)

Term, 194 <sup>D</sup>

*Mrs. Constance Williams*  
No. 583 vs.  
*Louis Bear Co.*

583

## BILL OF COSTS

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	5 75
Docketing Cause, One Fee only of.....	25	Clerk's Fees .....	
Issuing Summ. and Compit., each.....	1 25	Ex-Clerk's Fees .....	
Issuing Alias or Branch Summons & Complaint, each	1 25	Sheriff's Fees .....	
Making Copies Thereof, Minimum, each .....	30	Ex-Sheriff's Fees .....	
Making Copies Thereof, over 200 Words, per 100 words	15	Witness Fees .....	
Entering Sheriff's Returns, each .....	20	Commissioner's Fees .....	
Entering Appearances, each .....	20	.....	
Certifying Affidavits, each .....	25	Garnishee's Fees .....	
Issuing Attachments with Bond, each .....	1 00	Publisher's Fees .....	
Orders of Publication, each .....	50	.....	
Copy of Same, each .....	50	Court Reporter's Fees, Per Day or fraction thereof	5 00
Issuing Summ. to Garnishee, each .....	50	Trial Tax .....	3 00
Copy of Same, Per 100 Words .....	15	.....	
Swearing Garnishee, Etc., Per 100 words,	50	.....	
15, Minimum .....	25	.....	
Release of Garnishee, each .....	75	.....	
Issuing Scire Facias or Similar Notice, each .....	15	.....	
Copies of Same, Per 100 Words.....	50	.....	
Making Copy of Interrogatories, Per	75	Fees and Costs in Inferior Court:	
100 Words, 15; Minimum .....	10	Clerk of Inferior Court Fees .....	
Commission to Take Depositions, each .....	10	Sheriff's Fees .....	
Filing Depositions, Each Pkg., .....	30	Justice of Peace Fees .....	
Endorsing Each Package of Depositions Opened ....	25	Constable's Fees .....	
Issuing Subpoenas, Each .....	10	.....	
Issuing Witness Certificates, each.....	75	.....	
Entering Continuances, each .....	30	Fees and Costs in Inferior Court .....	
Filing Papers, each .....	75	Total Fees and Costs .....	
Other Orders of Court, each .....	30	Judgment .....	
Trial and Incidents .....	15	10 Per Cent Damages .....	
Entering Judgment, each .....	75	Interest .....	
Complete Record, Per 100 Words .....	25	Total Judgment .....	
Taking Bonds, each .....	50	Total Fees, Costs and Judgment .....	
Certificate of Appeal .....	20	.....	
Transcript to Supreme Court, Per 100 Words .....	15	.....	
Additional Copies of Same, Per 100 Words .....	65	.....	
Issuing Executions or Copy Thereof, each .....	150	.....	
Entering Sheriff's Return, Per 100 Words, 15;	150	.....	
Minimum .....	75	Total .....	
.....	150		
.....	150		
Total Clerk's Fees .....	5 75		
SHERIFF'S FEES:			
Serving and Returning Summons or			
Writ, each .....	3 00		
Levy Attachment, each .....	1 00		
Entering and Returning Same, each .....	1 50		
Seizing Personal Property Under Writ of Detinue ..	1 50		
Taking and Approving Bonds, each.....	1 50		
Summoning Garnishee and Return, each .....	1 50		
Serving and Returning Sci. Fa. or Notice, Each ....	1 50		
Serving and Returning Subpoenas, each .....	1 50		
Serving Contempt Attachment, each .....	1 50		
Impaneling Jury.....	1 50		
Collecting Execution for Costs Only, each.....	1 50		
Coms. for Collecting Money on Executions .....	1 50		
Executing Writs of Possession, each.....	1 50		
Making Deed to Real Estate Sold, each .....	1 50		
.....	1 50		
.....	1 50		
Total Sheriff's Fees .....	15 00		

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST:

Clerk Circuit Court, Baldwin County, Ala.

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_\_

ATTEST:

Clerk Circuit Court, Baldwin County, Ala.

No. 583

Page \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT

vs.

Plaintiff \_\_\_\_\_

Defendant \_\_\_\_\_

CIVIL COST BILL

Term, 19\_\_\_\_\_

Fee Book \_\_\_\_\_, Page \_\_\_\_\_

Plaintiff's Attorney:

Defendant's Attorney:

STATE OF ALABAMA  
BALDWIN COUNTY

Y  
Y  
Y

TO ANY SHERIFF OF THE STATE OF ALABAMA-Greetings:

You are hereby commanded to summon the  
Lewis Bear Company, A Corporation, to appear with-  
in 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 Mrs. Constance Williamson.

Witness my hand this 7<sup>th</sup> day of May, 1940.

R. S. Dicks  
Clerk of the Circuit Court of  
Baldwin County, Alabama.  
By - Arthur H. Thompson, Deputy Clerk