

546

J. A. JORDAN, as Administrator
of the Estate of Zeriffa Jordan,
Deceased,

Plaintiff,

VS.

TUSKEGEE INSTITUTE, a Corporation,
and ROBERT A. SPICELEY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

DEMURRER.

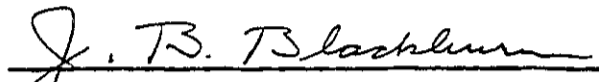
Now comes Tuskegee Institute, a Corporation, one of the Defendants in the above entitled cause and demurs to each count of the Complaint filed herein, separately and severally, and for grounds of demurrer sets down and assigns separately and severally the following:

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 casual connection between defendant's said breach of duty and plaintiff's injuries and damages.
10. No sufficient facts are alleged to show that this

defendant or its agent, servant or employee was guilty of negligence which proximately contributed to the alleged injury.

11. The place of the alleged accident is not described with sufficient certainty to enable the Defendant to know upon what he is called upon to defend.

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



Attorney for the Defendant.

RECORDED 423-4
DEMURRER.

J. A. JORDAN, as Administrator
of the Estate of Zeriffa Jordan,
Deceased,

Plaintiff,

VS.

MUSKOGEE INSTITUTE, a Corporation,
and ROBERT A. SPICELLY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

copy of within document
delivered to H. H. H. of
Beck Haller & Beck
0-7-1940
R. B. Beck
clerk
1830

Filed Jan 6 - 1940

R. B. Beck
clerk
By W. E. Smith
Aspy

J. A. JORDAN, as Administrator
of the Estate of Zeriffa Jordan,
Deceased,

Plaintiff,

VS.

TUSKEGEE INSTITUTE, a Corporation,
and ROBERT A. SPICELEY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

DEMURRER.

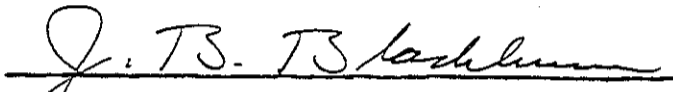
Now comes Robert A. Spiceley, one of the Defendants in the above entitled cause and demurs to each count of the Complaint filed herein, separately and severally, and for grounds of demurrer sets down and assigns separately and severally the following:

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 he 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. No sufficient facts are alleged to show that this defendant or its agent, servant or employee was guilty of negligence which proximately contributed to the alleged injury.

11. The place of the alleged accident is not described with sufficient certainty to enable the Defendant to know upon what he is called upon to defend.

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



Attorney for the Defendant.

8-424

DEMURRER.

J. A. JORDAN, as Administrator
of the Estate of Zeriffa Jordan,
Deceased,

Plaintiff,

VS.

TUSKEGEE INSTITUTE, a Corporation,
and ROBERT A. SPICELEY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Copy of within demurrer
devised to extract of
Beche case & Beche
1/10/40 -
R. Shuck
By W. B. Smith
D. P. G. S.

Filed Jan 6 - 1940

R. S. Shuck
Clerk.

By W. B. Smith
D. P. G. S.

J. A. JORDAN, as Administrator
of the Estate of Zeriffa Jordan,
Deceased,

Plaintiff,

VS.

TUSKEGEE INSTITUTE, a Corporation,
and Robert A. Spiceley,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

PLEA

Now come the Defendants in the above entitled cause,
each separately and severally, and for plea to each count of the
complaint separately and severally says:

1. Not guilty.

J. T. Blackburn
Attorney for Defendants.

Handwritten notes:
J. A. Jordan
Zeriffa Jordan
Tuskegee Institute
Robert A. Spiceley

FILED

CLERK OF COURT

IN THE CIRCUIT COURT OF

ALABAMA

IN THE CIRCUIT COURT OF

ALABAMA

ALABAMA

IN THE CIRCUIT COURT OF

ALABAMA

1901

PLFA

J. A. JORDAN, as Administrator
of the Estate of Zeriffa Jordan,
Deceased,

Plaintiff,

VS.

JUSKIEE INSTITUTE, a Corporation,
and Robert A. Spicelley,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed 2/29/40

JW Stone

Judge

CIVIL COST BILL

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

Term, 194

J. A. Jordan
No. *546* vs.
Judge Frost, et al.

BILL OF COSTS

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	
Docketing Cause, One Fee only of.....	.25	Clerk's Fees	
Issuing Summ. and Compt., 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	Garnishee's Fees	
Certifying Affidavits, each .....	.25	Publisher's Fees	
Issuing Attachments with Bond, each	1.00	.....
Orders of Publication, each .....	.50	Court Reporter's Fees, Per Day or fraction thereof	.50
Copy of Same, each .....	.50	Trial Tax	3.00
Issuing Summ. to Garnishee, each .....	.50	.....
Copy of Same, Per 100 Words .....	.15	.....
Swearing Garnishee, Etc., Per 100 words, .15, Minimum	.50	.....
Release of Garnishee, each .....	.25	.....
Issuing Scire Facias or Similar Notice, each .....	.75	.....
Copies of Same, Per 100 Words.....	.15	.....
Making Copy of Interrogatories, Per 100 Words, .15; Minimum	.50	Fees and Costs in Inferior Court:	
Commission to Take Depositions, each .....	.75	Clerk of Inferior Court Fees	5.40
Filing Depositions, Each Pkg., .....	.10	Sheriff's Fees	3.00
Endorsing Each Package of Depositions Opened	.10	Justice of Peace Fees	
Issuing Subpoenas, Each .....	.30	Constable's Fees	3.00
Issuing Witness Certificates, each.....	.25	<i>Trial Exp</i>	
Entering Continuances, each .....	.10	Fees and Costs in Inferior Court	11.40
Filing Papers, each .....	.10	Total Fees and Costs	
Other Orders of Court, each .....	.30	Judgment	
Trial and Incidents .....	.75	10 Per Cent Damages	
Entering Judgment, each .....	.30	Interest	
Complete Record, Per 100 Words .....	.15	Total Judgment	
Taking Bonds, each .....	.75	Total Fees, Costs and Judgment	
Certificate of Appeal .....	.25	.....
Transcript to Supreme Court, Per 100 Words .....	.15	.....
Additional Copies of Same, Per 100 Words .....	.05	.....
Issuing Executions or Copy Thereof, each .....	.50	.....
Entering Sheriff's Return, Per 100 Words, .15; Minimum	.20	Total	
.....			
.....			
Total Clerk's Fees	5.40		
SHERIFF'S FEES:			
Serving and Returning Summons or Writ, each	1.50		
Levying Attachment, each	3.00		
Entering and Returning Same, each .....	.25		
Seizing Personal Property Under Writ of Detinue	3.00		
Taking and Approving Bonds, each.....	1.00		
Summoning Garnishee and Return, each	1.50		
Serving and Returning Sci. Fa. or Notice, Each	1.50		
Serving and Returning Subpoenas, each .....	.65		
Serving Contempt Attachment, each	1.50		
Impaneling Jury.....	.75		
Collecting Execution for Costs Only, each.....	1.50		
Coms. for Collecting Money on Executions			
Executing Writs of Possession, each.....	5.00		
Making Deed to Real Estate Sold, each.	2.50		
.....			
.....			
Total Sheriff's Fees	3.00		

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon TUSKEGEE INSTITUTE, a Corporation, and ROBERT A. SPICELEY to appear within thirty days from the service of this writ, at the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of J. A. JORDAN, Administrator of the Estate of Zeriffa Jordan, deceased.

WITNESS my hand this 5th day of December, 1939.

R. B. Duck
Clerk.
By A. E. Smith
Deputy

J. A. JORDAN, as Administrator
of the Estate of Zeriffa Jordan,
Deceased,

Plaintiff,

VS.

TUSKEGEE INSTITUTE, a Corporation,
and ROBERT A. SPICELEY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

1. The Plaintiff claims of the Defendants Twenty-five Thousand (\$25,000.00) Dollars, as damages, for that heretofore, on to-wit, November 19th, 1939, the Defendant, Tuskegee Institute, a Corporation, acting by and through Robert A. Spiceley, its agent, servant or employee, who was then and there acting within the line and scope of his employment, so negligently operated an automobile on or along the Montgomery-Mobile Highway, at a point approximately three miles North of Bay Minette, in Baldwin County, Alabama, that said automobile was driven into or against an automobile in which the Plaintiff's intestate was riding along or upon said highway, and as a proximate result thereof, the Plaintiff's intestate was seriously injured, and as a proximate consequence thereof died.

Plaintiff avers that the said injuries to and death of Plaintiff's intestate were proximately caused by the negligence of the Defendant, Tuskegee Institute, a Corporation, acting by and through its agent, servant or employee,

Robert A. Spiceley, who was then and there acting within the line and scope of his employment, in so operating said automobile along said highway at said point.

2. Plaintiff claims of the Defendants Twenty-five Thousand (\$25,000.00) Dollars, as damages, for that heretofore on to-wit, November 19th, 1939, Plaintiff's intestate was a guest in an automobile riding along a public highway, commonly known as the Montgomery-Mobile Highway, at a point approximately three miles North of Bay Minette, in Baldwin County, Alabama; Plaintiff avers that Defendant, Tuskegee Institute, a Corporation, acting by and through its agent, servant or employee, Robert A. Spiceley, who was then and there acting within the line and scope of his employment, so negligently operated an automobile on said highway, that the same was run into or against the automobile in which the Plaintiff's intestate was riding, and as a proximate consequence thereof the Plaintiff's intestate was seriously injured and died.

Plaintiff avers that said injuries to Plaintiff's intestate were proximately caused by the negligence of the Defendant, Tuskegee Institute, a Corporation, acting by and through Robert A. Spiceley, its agent, servant or employee, who was then and there acting within the line and scope of his employment, in so operating said automobile along said highway at said point.

Burke & Baker
Attorneys for Plaintiff.

Plaintiff demands a trial by Jury.

Burke & Baker
Attorneys for Plaintiff.

Received in Sheriff Office
this - 7 - Day of December 1939
W.B. Stewart Sheriff

8-452

RECORDED

SUMMON AND COMPLAINT

J. A. JORDAN, as Administrator of the Estate of Zeriffa Jordan, deceased,

Plaintiff,

VS.

TUSKEGEE INSTITUTE, a Corporation, and ROBERT A. SPICELEY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

*Filed December 5, 1939
R.S. Dorch, Clerk*

Executed December 7th 1939
by serving copy of within Summons and
Complaint on

Lloyd Isaacs, as Treasurer of
Tuskegee Institute, a Corporation
and Robert A. Spiceley,

Defendants.
W.B. Stewart Sheriff
BALDWIN COUNTY, ALABAMA,
By..... Deputy Sheriff