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STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED to summon R. B. WATSON and D. J. WATSON, individually and as partners composing the partnership of WATSON HARDWARE COMPANY, to appear within thirty days from the service of this writ in the Circuit Court, to be held by said County, at the place of holding the same, then and there to answer the complaint of JAMES A. GOWIN and H. M. GOWIN.

WITNESS my hand this 1st day of January, 1942.

R. S. DICK
Clerk.

JAMES A. GOWIN and H. M. GOWIN, Plaintiffs,

VS.

R. B. WATSON and D. J. WATSON, individually, and
as partners composing the partnership of WATSON
HARDWARE COMPANY, Defendants.

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

1.

The Plaintiffs claim of the Defendants Seven Hundred Fifty (\$750.00) Dollars damages, for that heretofore on to-wit, December 15, 1941, the Plaintiffs were driving their automobile truck along the Rabon - Perdido Highway, a public road in Baldwin County, Alabama, at a point approximately two miles North of Rabon; that on said date and at said place the Defendants, acting by and through their agent, servant or employee, who was then and their acting within the line and scope of his employment, negligently ran or drove an automobile truck which they were then and their operating along said highway, into or against the automobile truck of the Plaintiffs and as a proximate result of said negligence, the automobile truck of the Plaintiffs was damaged as follows: fenders bent and broken; the hood bent; the panel bent and broken; the door bent and broken; the windshield broken; the body bent; and said automobile truck was otherwise damaged, all to the damage of the Plaintiffs.

The Plaintiffs allege that the damage to the automobile truck was the proximate result of the negligence of the Defendants, who were then and there acting through their agent, servant, or employee, who was acting within the line and scope

of his employment in the operation of the automobile truck that they were then and there driving or operating.

2.

The Plaintiffs claim of the Defendants Seven Hundred Fifty (\$750.00)

Dollars damages for that heretofore on to-wit: December 15, 1941, the agent, servant or employee, of the Defendants, who was then and there acting within the line and scope of his employment so negligently operated an automobile truck which he was driving on or along the Babon - Perdido highway, a public highway in Baldwin County, Alabama, approximately two miles North of Babon; that he caused said automobile truck to run into or collide with the automobile truck of the Plaintiffs, which was then and there upon said highway, and as a proximate result of the negligence of the agent, servant, or employee of the Defendants, who was then and there acting within the line and scope of his employment, in and about the operation of said automobile truck which he was then and there driving, the automobile truck of the Plaintiffs was seriously damaged as follows: the fenders bent and broken; the hood bent; the panel bent and broken; the door bent and broken; the windshield broken, the body bent; and said automobile truck was otherwise damaged, all to the damage of the Plaintiffs.

The Plaintiffs allege that said damage to the automobile truck of the Plaintiffs was the proximate result of the negligence of the agent, servant or employee of the Defendants, who was then and there acting within the line and scope of his employment, in and about the operation or driving of the automobile truck which he was then and there driving or operating.

BERNE & HALL,

By: Thos. Hall
Attorneys for Plaintiffs.

JAMES A. GODWIN AND M. H. GODWIN,

Plaintiffs,

VS.

R. B. WATSON AND B. J. WATSON,
Individually, and as partners
composing the partnership of
WATSON HARDWARE COMPANY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

DEMURRER

Come the Defendants in the above entitled cause and demur to each count of the complaint filed herein, separately and severally, and for grounds of demurrer set down and assign, separately and severally, the following:

1. That the Complaint does not state facts sufficient to constitute a cause of action against the Defendants.
2. For that negligence alleged in the Complaint is therein alleged merely as a conclusion of the pleader.
3. For that the Complaint filed in this cause is vague, indefinite and uncertain in that it does not apprise the Defendants with sufficient certainty against what act or acts of negligence Defendants are called upon to defend.
4. For that it does not appear with sufficient certainty what duty, if any, Defendants may have owed to the Plaintiffs.
5. For that it does not appear with sufficient certainty wherein Defendants violated any duty which they may have owed to the Plaintiffs.
6. For that it does not sufficiently appear that the Defendants owed any duty to the Plaintiffs which Defendants negligently failed to perform.
7. For that the averments set up, if true, do not show any liability on the part of the Defendants 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 Defendants' said breach of duty and Plaintiffs' injuries or damages.

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

11. No facts are alleged to show that the alleged negligence of the Defendants proximately contributed to the alleged injury.

12. It is duplicitous in that one count contains two distinct causes of action.

A. H. Elliott

J. T. Blackman

Attorneys for Defendants.

Defendants demand a trial of
said cause by jury.

A. H. Elliott

J. T. Blackman

Attorneys for Defendants.

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DEMURRER

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Filed Feb 7 1942
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J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

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