

L. F. HORN, ET AL
DEFENDANT

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

And now comes the Defendant, and demurs to the Plaintiff's bill of complaint and to each count thereof, separately and severally, says:

ONE:

That said count does not state a cause of action.

TWO:

That the said count charges the conduct of the agent of the Defendant as being wanton, rather than the injury.

BEEBE & HALL

By Twiss
Attorneys for the Defendant.

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JACK BRASLEY, PLAINTIFF

VS

L. F. HORN, ET AL
DEFENDANT

DEMURRER TO PLAINTIFF'S
BILL OF COMPLAINT.

Filed Aug 19, 1944
P. D. Horn

STATE OF ALABAMA,)
)
COUNTY OF BALDWIN.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon L. F. HORN,
sometimes known as Linnie Horn, to appear within 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 JACK BEASLEY.

Witness my hand this the day of July,
1944.

R. S. Duck
CLERK.

JACK BEASLEY,)	
)	
Plaintiff,)	IN THE CIRCUIT COURT OF
)	
vs. .)	BALDWIN COUNTY, ALABAMA.
)	
L. F. HORN, sometimes)	
known as LINNIE HORN,)	
)	
Defendant.)	

COUNT ONE: Plaintiff claims of the Defendant
Ten Thousand Dollars as damages, for that heretofore on, to-
wit, the 29th day of Debruary, 1944, a servant or agent of the
Defendant, while acting within the line and scope of his
authority as such, so negligently operated an automobile,
in which the Plaintiff, who was then and there a prisoner under
arrest for a misdemeanor, was being transferred from Mobile,
Alabama, to, to-wit, Brantley, Alabama, that he ran the same
into and against a truck then and there on a public highway
commonly known as the Mobile-Montgomery Highway at a point
near Camp Baldwin in Baldwin County, Alabama, and as a proximate
result thereof the Plaintiff was seriously injured, his body was
bruised and lacerated, he suffered a severe injury to his kidney
and bladder, he was otherwise hurt, injured and made sick and
sore, was caused to suffer great physical pain and mental anguish,

and will in the future continue to suffer much physical pain and mental anguish, and will be permanently injured and disabled; he was caused to lose much time from his work, and will continue to lose much time from his work in the future; he has incurred great expense in and about the healing and treatment of his injuries; all as a proximate consequence of the negligence of the Defendant's servant or agent, then and there acting within the line and scope of his employment, while operating said automobile on said highway at said point.

COUNT TWO: Plaintiff claims of the Defendant Ten Thousand Dollars damages for that heretofore on, to-wit, the 29th day of February, 1944, a servant or agent of the Defendant, while acting within the line and scope of his employment, wantonly injured the Plaintiff by driving an automobile, in which he, the said Plaintiff, while a prisoner under arrest for a misdemeanor was being transferred from Mobile, Alabama, to, to-wit, Brantley, Alabama, into a truck which was then and there on a public highway commonly known as the Mobile-Montgomery Highway, at a point near Camp Baldwin, Baldwin County, Alabama; and Plaintiff avers that as a proximate result of such wanton conduct on the part of the Defendant's servant or agent while acting within the line and scope of his employment as such, he was seriously injured, his body was bruised and lacerated, his kidney was ruptured, his bladder was ruptured, he was otherwise hurt, made sick and sore, he was caused to suffer great physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish in the future, was caused to lose much time from his work, and will be caused to lose much time from his work in the future; he was permanently injured; his ability to earn a livelihood has been permanently impaired; he was caused to incur heavy expense for medicines in and about the healing and treatment of his said injuries; all as a proximate consequence of the wanton conduct on the part of the servant or agent of the Defendant, while acting within the line and scope of his employment as aforesaid, and

to the Plaintiff's damage as claimed.

D. P. Carey Jr.

ATTORNEY FOR PLAINTIFF

Plaintiff demands a trial by jury.

D. P. Carey Jr.

ATTORNEY FOR PLAINTIFF

Defendant's address:

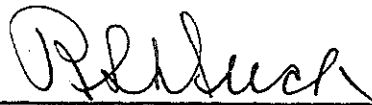
Brantley, Alabama.

STATE OF ALABAMA,)
)
COUNTY OF BALDWIN.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon L. F. HORN,
sometimes known as Linnie Horn, to appear within 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 JACK BEASLEY.

Witness my hand this the 7th day of July,
1944.



CLERK.

JACK BEASLEY,

Plaintiff,

vs.

L. F. HORN, sometimes
known as LINNIE HORN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

COUNT ONE: Plaintiff claims of the Defendant
Ten Thousand Dollars as damages, for that heretofore on, to-
wit, the 29th day of February, 1944, a servant or agent of the
Defendant, while acting within the line and scope of his
authority as such, so negligently operated an automobile,
in which the Plaintiff, who was then and there a prisoner under
arrest for a misdemeanor, was being transferred from Mobile,
Alabama, to, to-wit, Brantley, Alabama, that he ran the same
into and against a truck then and there on a public highway
commonly known as the Mobile-Montgomery Highway at a point
near Camp Baldwin in Baldwin County, Alabama, and as a proximate
result thereof the Plaintiff was seriously injured, his body was
bruised and lacerated, he suffered a severe injury to his kidney
and bladder, he was otherwise hurt, injured and made sick and
sore, was caused to suffer great physical pain and mental anguish,

and will in the future continue to suffer much physical pain and mental anguish, and will be permanently injured and disabled; he was caused to lose much time from his work, and will continue to lose much time from his work in the future; he has incurred great expense in and about the healing and treatment of his injuries; all as a proximate consequence of the negligence of the Defendant's servant or agent, then and there acting within the line and scope of his employment, while operating said automobile on said highway at said point.

COUNT TWO: Plaintiff claims of the Defendant Ten Thousand Dollars damages for that heretofore on, to-wit, the 29th day of February, 1944, a servant or agent of the Defendant, while acting within the line and scope of his employment, wantonly injured the Plaintiff by driving an automobile, in which he, the said Plaintiff, while a prisoner under arrest for a misdemeanor was being transferred from Mobile, Alabama, to, to-wit, Brantley, Alabama, into a truck which was then and there on a public highway commonly known as the Mobile-Montgomery Highway, at a point near Camp Baldwin, Baldwin County, Alabama; and Plaintiff avers that as a proximate result of such wanton conduct on the part of the Defendant's servant or agent while acting within the line and scope of his employment as such, he was seriously injured, his body was bruised and lacerated, his kidney was ruptured, his bladder was ruptured, he was otherwise hurt, made sick and sore, he was caused to suffer great physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish in the future, was caused to lose much time from his work, and will be caused to lose much time from his work in the future; he was permanently injured; his ability to earn a livelihood has been permanently impaired; he was caused to incur heavy expense for medicines in and about the healing and treatment of his said injuries; all as a proximate consequence of the wanton conduct on the part of the servant or agent of the Defendant, while acting within the line and scope of his employment as aforesaid, and

to the Plaintiff's damage as claimed.

A handwritten signature in cursive script, appearing to read "D. P. Henry", is written over a horizontal line.

ATTORNEY FOR PLAINTIFF

Plaintiff demands a trial by jury.

A handwritten signature in cursive script, appearing to read "D. P. Henry", is written over a horizontal line.

ATTORNEY FOR PLAINTIFF

Defendant's address:

Brantley, Alabama.

Executed by
Receiving a copy
of the writtins but
this 19th day of
July 1944

L. F. Horn, Sheriff
Crenshaw, Esq.

Received in Sheriff's Office
this 21 day of July, 1944
W. R. STUART, Sheriff

Beard
v.
Horn

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Recd July 21 1944
W. R. Stuart
Deputy