

1242

CLARA MAE DAWKINS, as
executrix of the Estate
of MILLARD D. DAWKINS
SR., deceased,
PLAINTIFF,
VS.
FRED WHEELER HAGEN,
DEFENDANT,

IN THE
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA
AT LAW

Now comes the Defendant and demurs to the Complaint
and each and every count thereof separately and severally and
as grounds therefor assigns the following:

1. Complaint states no cause of action.
2. Complaint alleges no duty owing from the Defen-
dant to the Plaintiff.
3. Complaint is vague and indefinite.

JACK CRENSHAW


Attorney for Defendant

1242

FILED

OCT 16 1948

Alice J. Duck, Clerk

JACK CRENSHAW

ATTORNEY AT LAW

FIRST NATIONAL BANK BUILDING

MONTGOMERY, ALABAMA

STATE OF ALABAMA §
BALDWIN COUNTY §

TO ANY SHERIFF OF THE STATE OF ALABAMA:

you are hereby commanded to summon FRED WHEELER HAGEN, 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 CLARA MAE DAWKINS, as executrix of the Estate of MILLARD D. DAWKINS SR., deceased.

WITNESS my hand this the 19 day of September, 1948.

Allice J. Smith
Clerk

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CLARA MAE DAWKINS,
as executrix, of the
Estate of MILLARD D.
DAWKINS, SR., deceased.

PLAINTIFF

VS

FRED WHEELER HAGEN

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

1.



The Plaintiff, Clara Mae Dawkins, as executrix, of the Estate of Millard D. Dawkins Sr., deceased, claims of the Defendant, Fred Wheeler Hagen, the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS, as damages for that heretofore on to-wit, July 21, 1948, the Plaintiff's said intestate was riding in an automobile along highway number 3, a public highway in Baldwin County, Alabama, at a point approximately one mile South of Foley; that at said time and place the Defendant negligently drove an automobile into, or against an automobile in which the Plaintiff's said intestate was riding, and by reason thereof, and as a proximate result and consequence thereof, the Plaintiff's said intestate received personal injuries from which he died, hence this suit.

2.

The Plaintiff, Clara Mae Dawkins, as executrix of the Estate of Millard D. Dawkins Sr., deceased, claims of the Defendant, Fred Wheeler Hagen, the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS, as damages for that heretofore, on to-wit, July 21, 1948, the Plaintiff's said intestate was riding in an automobile along highway 3, a public highway in Baldwin County, Alabama, at a point approximately one mile South of Foley, and then and there the Defendant negligently ran an automobile into or against the automobile in which the Plaintiff's said intestate was riding, and thereby and as a proximate result and consequence of the negligence on the part of the Defendant, Plaintiff's said intestate received personal injuries from which he died, hence this suit.

3.

The Plaintiff, Clara Mae Dawkins, as executrix of the Estate of Millard D. Dawkins Sr., deceased, claims of the Defendant, Fred Wheeler Hagen, the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS, as damages for that heretofore, on to-wit, July 21, 1948, the Plaintiff's said intestate was riding in an automobile along highway number 3, a public highway in Baldwin County, Alabama, at a point approximately one mile South of Foley; that the said Defendant at said time and place willfully or wantonly injured the Plaintiff's said intestate by running said automobile, which he was then and there driving into, upon, or against the automobile in which the Plaintiff's said intestate was riding; whereby and as a proximate result and consequence thereof, the Plaintiff's said intestate received personal injuries from which he died, hence this suit.



Attorneys for the Plaintiff

The Plaintiff demands a trial by Jury.

Strode

Foran

Attorneys for the Plaintiff

Received in Sheriff's Office
this 29 day of Sept, 1948
TAYLOR WILKINS, Sheriff

no 1242

Original

CLARA MAE DAWKINS, etc

PLAINTIFF

VS

FRED WHEELER HAGEN

DEFENDANT

Executed this 29 day of Sept, 1948
by Serving a Copy of the Within Writ
on Fred Wheeler Hagen

By G. O. Hume Sheriff
Hubert M. Hall D.S.

FILED

SEP 29 1948

ALICE J. DUCK, Clerk

HUBERT M. HALL
LAWYER
BAY MINETTE, ALABAMA

CLARA MAE DAWKINS, as
executrix of the Estate
of MILLARD D. DAWKINS
SR., deceased.

PLAINTIFF

VS

FRED WHEELER HAGEN

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

Interrogatories propounded by the Plaintiff to the Defendant under Article 8, Title 7 of the 1940 Code of the State of Alabama.

1.

Please state your name and address.

2.

Please state your age.

3.

Please state whether or not you were in Baldwin County, Alabama, on July 21, 1948.

4.

Please state whether or not you were involved in an automobile collision at Foley in Baldwin County, Alabama, on highway number 3, on July 21, 1948.

5.

Please state the time and location of said collision.

6.

Please state whether or not you were driving the automobile in which you were riding at the time of the collision.

7.

Please state who owned the automobile in which you were riding, or driving, at the time of the said collision.

8.

Please state whether or not you were the sole owner of the automobile in which you were riding, or driving.

9.

Please state whether or not at the time of the collision

you were acting as agent or employee of any other, person, or corporation, and if so the name and address of such person or corporation.

10.

Please state in which direction you were traveling at the time of the collision; which direction the other automobile involved in the collision was traveling.

11.

Please state from what place you had driven the automobile, in which you were riding, on the morning of the collision; were you drinking at the time of the collision;

12.

Please state what make and type of automobile you were driving at the time of the collision.

13.

Please state whether or not you knew, or later learned the a person by the name of Millard D. Dawkins Sr., was injured at the time of the collision.

14.

Please state if it is not a fact that the automobile in which you were riding; or driving, belonged to a corporation or partnership in which you own stock, or a member, and if so the name and address of such corporation or partnership.

15.

Please state in whose name the license on the automobile driven by you was purchased or procured, and where.

16.

For the purpose of qualifying the Jury, please state whether you, or the owner of the automobile in which you were riding or driving, at the time of the said collision, carried Public Liability Insurance, or Property Damage Insurance on the automobile, in which you were riding or driven by you, and involved in the collision; if your answer is yes, please state the name and address of the insurer; please attach a copy of said Insurance Policy to your answers to these interrogatories.

H. M. Hall
Attorneys for the Plaintiff

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the under signed authority in and for said County, in said State, personally appeared, H. M. Hall, one of the Attorneys for the Plaintiff in the above styled cause and who being by me first duly and legally sworn, deposes and says, that the answer to the foregoing interrogatories will be material evidence for the Plaintiff in the trial of this cause, if such answers are properly made.

H. M. Hall

Sworn to and subscribed before me on this the 24 day of September, 1948.

C. L. G. Thompson
Notary Public, Baldwin County,
Alabama.

Received in Sheriff's Office
this 29 day of Sept., 1948
TAYLOR WILKINS, Sheriff

no 1242

Clara Mae Perkins, et al
✓

Fred Wheeler Hagan

Interrogatories

Executed this 5 day of Oct
1948 by Serving a Copy of the Within Writ
on Fred Wheeler Hagan

E. A. Howell Sheriff
By W. P. Sample D.S.

FILED

SEP 29 1948

ALICE J. DUCK, Clerk