

RECORDED

ANSWER

W. F. HOWIE,

Plaintiff,

-VS-

T. M. MOSS and ALMA LOUISE
MOSS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

NOV 15 1949

ALICE L. DUCK, CLERK

W. F. HOWIE,

Plaintiff,

-vs-

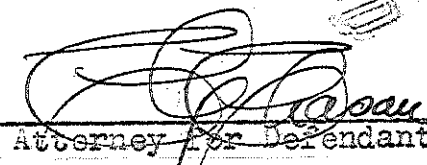
T. M. MOSS and ALMA LOUISE
MOSS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Now comes the defendant, T. M. Moss, and for answer to
the plaintiff's complaint and each count thereof separately and
severally says:-

- I. That he is not guilty.
- II. That the plaintiff, at the time and place alleged,
was guilty of negligence which proximately contributed to the in-
juries and damages complained of.


Attorney for Defendant

M. W. HOWIE,

Plaintiff,

-vs-

T. M. MOSS and ALMA LOUISE
MOSS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

W. F. HOWIE,
Plaintiff,
-vs-
T. M. MOSS and ALMA LOUISE
MOSS,
Defendants.

ANSWER

RECEIVED
NOV 15 1949
ALICE A. DUCK, Clerk

RECORDED

ANSWER

W. F. HOWIE,

Plaintiff,

-vs-

T. M. MOSS and ALMA LOUISE
MOSS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED

NOV 15 1949

JOICE A. DUCK, Clerk

W. F. HOWIE,

Plaintiff,

-vs-

T. M. MOSS and ALMA
LOUISE MOSS,

Defendants.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

ALMA LOUISE MOSS
Comes the defendant in the above styled cause and demurs

to the complaint, and separately and severally to each count thereof, and for grounds of demurrer assign separately and severally the following:

1. That said complaint does not state a cause of action.
2. That said Count 1 shows no duty owed by the defendant, Alma Louise Moss, to the plaintiff.
3. That said Count 2 shows no duty by the defendant, Alma Louise Moss, to the plaintiff.
4. That said Count 1 alleges that the act rather than the injury was negligence.
5. That said Count 2 does not allege any act of negligence on the part of the defendant.
6. That for ought that appears in Count 2 there was no negligence on the part of the defendant.
7. That the act set out in Count 2 as follows: "...drove the automobile she was then and there driving immediately in front of plaintiff..." does not set out an act of negligence.
8. That no facts are alleged to show the plaintiff sustained any damage or injury as a proximate result of any negligence or breach of duty on the part of the defendant.
9. That it is not alleged with sufficient certainty where said accident occurred.
10. No facts are alleged to show that the defendants or either of them owed plaintiff any duty at the time and place of said accident and breached the same, thereby proximately causing him damage or injury.
11. That said Count 1 is vague and indefinite.
12. That said Count 2 is vague and indefinite.
13. That the averments of negligence are merely the conclusion of the plaintiff with no facts in support thereof.

14. That no facts are alleged which show or create a duty on the part of the defendant to use a high degree of care as must be alleged in a count setting out only simple negligence.

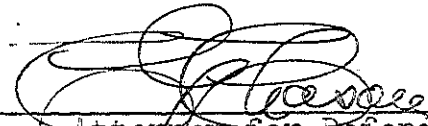
15. That the complaint is too general in its averments as to the nature, character or extent of the damage to the automobile of the plaintiff.

16. That Count 2 of the complaint contains alternative averments.

17. There is a misjoinder of actions.

18. The complaint alleges no actions which would make a master liable in a claim arising from acts of an agent, servant or employee when acting in the line and scope of servants employment.

19. There is a misjoinder of parties.


Attorney for Defendant

RECORDED

1363

D E M U R R E R S

W. F. HOWIE,

Plaintiff,

-VS-

T. M. MOSS and ALMA
LOUISE MOSS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

FILED

JUL 27 1949

ALICE J. DUCK, Clerk

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

copied to
W. Marshall

W. F. HOWIE,

Plaintiff,

-vs-

T. M. MOSS and ALMA
LOUISE MOSS,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes ^{T.M. Moss} the defendant in the above styled cause and demurs

to the complaint, and separately and severally to each count thereof, and for grounds of demurrer assign separately and severally the following:

1. That said complaint does not state a cause of action.
2. That said Count 1 shows no duty owed by the defendant, T. M. Moss, to the plaintiff.
3. That said Count 2 shows no duty by the defendant, T. M. Moss, to the plaintiff.
4. That said Count 1 alleges that the act rather than the injury was negligence.
5. That said Count 2 does not allege any act of negligence on the part of the defendant.
6. That for ought that appears in Count 2 there was no negligence on the part of the defendant.
7. That the act set out in Count 2 as follows: "....drove the automobile she was then and there driving immediately in front of plaintiff....." does not set out an act of negligence.
8. That no facts are alleged to show the plaintiff sustained any damage or injury as a proximate result of any negligence or breach of duty on the part of the defendant.
9. That it is not alleged with sufficient certainty where said accident occurred.
10. No facts are alleged to show that the defendants or either of them owed plaintiff any duty at the time and place of said accident and breached the same, thereby proximately causing him damage or injury.
11. That said Count 1 is vague and indefinite.
12. That said Count 2 is vague and indefinite.
13. That the averments of negligence are merely the conclusion of the plaintiff with no facts in support thereof.

14. That no facts are alleged which show or create a duty on the part of the defendant to use a high degree of care as must be alleged in a count setting out only simple negligence.

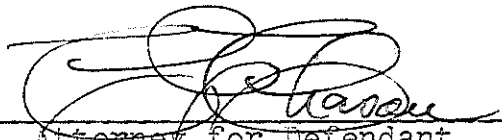
15. That the complaint is too general in its averments as to the nature, character or extent of the damage to the automobile of the plaintiff.

16. That Count 2 of the complaint contains alternative averments.

17. There is a misjoinder of actions.

18. The complaint alleges no actions which would make a master liable in a claim arising from acts of an agent, servant or employee when acting in the line and scope of servants employment.

19. There is a misjoinder of parties.


Attorney for Defendant

RECORDED
1368

D E M U R R E R S

W. F. HOWIE,

Plaintiff,

-VS-

T. M. MOSS and ALMA
LOUISE MOSS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

JUL 27 1949

ALICE J. DUCK, Clerk

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

copies to
W. H. Hall

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon T. M. Moss and Alma Louise Moss, 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 W. F. Howie.

WITNESS my hand this 28th day of June, 1949.

Alice L. Welch
Clerk.

W. F. HOWIE,
PLAINTIFF

VS.

T. M. MOSS and ALMA
LOUISE MOSS,
DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

1.

The Plaintiff claims of the Defendants ONE THOUSAND (\$1000.00) DOLLARS, as damages, for that heretofore on to-wit, August 13th, 1948, the Plaintiff's automobile was being driven along the highway, leading from Foley to Point Clear, a public highway in Baldwin County, Alabama, at a point approximated by ruler west of Foley ~~off Magnolia~~; that at said time and place the Defendant T. M. Moss, acting by and through the Defendant Alma Louise Moss, who was then and there acting within the line and scope of her employment, negligently caused an automobile, which the Defendant Alma Louise Moss, was then and there driving along said highway, to run into or against the automobile of the Plaintiff, and as a proximate result of said negligence, the automobile of the Plaintiff was damaged as follows:

The body was bent; the glasses were broken; the doors were bent and broken; the fenders were bent, the car was otherwise damaged,

all to the damage of the Plaintiff, hence this suit.

2.

The Plaintiff claims of the Defendants ONE THOUSAND (\$1000.00) DOLLARS, as damages for that heretofore on to-wit, August 13th, 1948, an automobile belonging to the Plaintiff was being driven along the highway

leading from Foley to Point Clear, a public highway in Baldwin County, Alabama, at a point ^{approximately five miles west of Foley} ~~near Magnolia Springs~~; that at said time and place the Defendant T. M. Moss, acting by and through his agent, servant or employee, the Defendant Alma Louise Moss, who was then and there acting within the line and scope of her employment, negligently drove the automobile in which she was then and there driving immediately in front of the Plaintiff's car, and in order to avoid a collision, the driver of the Plaintiff's automobile was forced through the negligence of the said Alma Louise Moss, to drive the said automobile belonging to the Plaintiff off the highway, and as a proximate result of the said negligence on the part of the Defendant Alma Louise Moss, at said time and place, the automobile belonging to the Plaintiff was damaged as follows:

The body was bent; the glasses were broken; the doors were bent and broken; the fenders were bent; the car was otherwise damaged.

That the damages suffered by the Plaintiff were the proximate result of the negligence of the said Alma Louise Moss, the agent, servant or employee, of the Defendant T. M. Moss, who was then and there acting within the line and scope of her employment.

John M. Lee
Attorney for Plaintiff.

The Plaintiff demands a trial by jury.

John M. Lee
Attorney for Plaintiff.

W 1368

6/29/49

Received in Sheriff's Office
this 26 day of June, 1949
TAYLOR WILKINS, Sheriff

RECORDED

SUMMONS AND COMPLAINT

H. W. HOWIE

PLAINTIFF

VS.

T. M. MOSS AND ALMA
LOUISE MOSS

DEFENDANTS

Executed 6-29-49
by serving copy of within Summons and
Complaint on

T. M. Moss
Alma Louise Moss

Taylor Wilkins Sheriff
By Ellie J. Duck Deputy Sheriff

Filed this the ____ day of June, 1949

In the Law office of H. M. Hall.

FILED
JUN 27 1949
Ellie J. Duck, Clerk

W. F. HOWIE,

Plaintiff,

-vs-

T. M. MOSS and ALMA LOUISE
MOSS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Now comes the defendant, Alma Louise Moss, and for answer to the plaintiff's complaint and each count thereof separately and severally says:-

- I. That she is not guilty.
- II. That the plaintiff, at the time and place alleged, was guilty of negligence which proximately contributed to the injuries and damages complained of.

Attorney for Defendant

2962
T. M. MOSS

Plaintiff,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

vs.
T. M. MOSS and ALMA LOUISE
MOSS,

Defendants.

ANSWER
W. F. HOWIE,
Plaintiff,
-vs-
T. M. MOSS and ALMA LOUISE
MOSS,
Defendants.
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
NOV 15 1949
ALICE A. DUCK, Clerk

RECORDED FOR FILING
NOV 15 1949