CHESTER R. BROWN	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
VS.	)	AT LAW NO. 1809
JOHN R. CONNOLLY	)	
DEFENDANT	)	

INTERROGATORIES

Comes now the defendant in the above entitled cause propounds the following interrogatories to the plaintiff:

1. What is your name?

2. What is your address?

3. What was your address on, to-wit, the 24th day of June, 1951?

4. Did you file a complaint in the Circuit Court of Baldwin County, Alabama against John R. Conley on, to-wit, the 10th day of June, 1952?

5. Were you driving your automobile on U. S. Highway 90 in front of Palmer's Place on, to-wit, the 24th day of June, 1951?

6. If your answer to question number 5 is no, please state who was driving your automobile at said time and place on said day.

7. If someone other than yourself was driving your automobile on said day at said place, please state the name of the driver of your automobile.

8. Was said driver, if not yourself, of said automobile proceeding along said highway 90 at said time and place on said day, at your order or request or other permission?

9. Please state definitely what your orders to said driver were.

10. Please state definitely what your request to said driver was.

Service of above accepted this 4/21/53.

Telfair J. Mashburn, Jr.
Attorney for Plaintiff

11. Please state definitely what permission you gave to said driver.

12. Please state definitely if you gave this order, request or permission in writing, and if so, please set out what said order, request, or permission was.

13. Please state at what time of the day or night on the 24th day of June, 1951 the said alleged accident took place.

14. Please state the name of the garage to which your automobile was taken for repairs.

15. Please state the name of the repair man who did the job of repairing your automobile.

16. Please state the costs of such repairs.

17. Please furnish an itemized list showing repairs and costs of each item.

18. Please state the day or days on which the automobile was repaired.

19. Please state where you were on, to-wit, the 24th day of June, 1951.

20. Please give the names and addresses of your attorneys who represent you in said cause.

21. Please state when you employed said attorneys to represent you.

22. Please state the names and addresses of all persons who were in your automobile at said time and place and day of said alleged accident as stated in your complaint.

John Earle Curry
Attorney for Defendant

STATE OF ALABAMA)
COUNTY OF MOBILE)

Personally appeared before me, a Notary Public in and for said State and County, John Earle Curry, who, after being by me first duly sworn, deposes and says that he is the attorney for

the defendant in the above styled cause and that if the foregoing interrogateries are truthfully answered that the answers will be material testimony for the defendant herein.

John Earle Curry

John Earle Curry, Atty for Defendant

Subscribed and sworn to before me this 20 day of April, 1953.

Notary Public, State at Large, Alabama

FILED

4-21-23

ALICE J. DUCK, Clerk

STATE OF ALABAMA)
)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE
STATE OF ALABAMA

You are hereby commanded to summon John R. Conley 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 Chester E. Brown.

Witness my hand, this 10th day of June, 1952.

Iris J. Leach
CLERK, CIRCUIT COURT,
BALDWIN COUNTY, ALABAMA.

CHESTER E. BROWN,	*	IN THE CIRCUIT COURT OF
Plaintiff,	*	BALDWIN COUNTY, ALABAMA.
-vs-	*	AT LAW. NO. 1809
JOHN R. CONLEY,	*	
Defendant.	*	

COUNT ONE:

Plaintiff claims of the defendant the sum of One Thousand and no/100 ($1,000.00) Dollars as damages for that heretofore on, to-wit, the 24th day of June, 1951, the defendant so negligently operated a motor vehicle westwardly on U. S. Highway No. 90, in front of Palmer's Place, said highway being a public highway in Baldwin County, Alabama, as to cause or allow said automobile to run into, upon, or against the automobile belonging to the plaintiff which was then and there being driven in an eastwardly direction on U. S. Highway No. 90 at said time and place, and as a direct and proximate result of said negligence, plaintiff's automobile was badly broken, bent, and damaged, all to the

plaintiff's damage, hence this suit.

COUNT TWO:

Plaintiff claims of the defendant the sum of One Thousand and no/100 ($1,000.00) Dollars as damages for that heretofore on, to-wit, the 24th day of June, 1951, the defendant wantonly damaged the plaintiff's automobile by so wantonly operating an automobile westwardly on U. S. Highway No. 90 in front of Palmer's Place, said highway being a public highway in Baldwin County, Alabama, that said automobile ran upon or against the automobile belonging to the plaintiff, which was being driven in an eastwardly direction on U. S. Highway No. 90 at said time and place, and as a proximate result of said wantonness, the plaintiff's automobile was badly broken, bent and damaged, all to the plaintiff's damage, hence this suit.

Howell & Johnston
ATTORNEYS FOR PLAINTIFF

Plaintiff respectfully demands a trial by jury.

Howell & Johnston
ATTORNEYS FOR PLAINTIFF

DEFENDANT'S ADDRESS:

Daphne, Alabama

Received in Sheriff's Office
this 11 day of June, 1952
TAYLOR WILKINS, Sheriff

Received 7 Day of July 1952
and on 11 Day of July 1952
I served a copy of the within Petition
on John R. Conely
by service on
W. H. HOLCOMBE, Sheriff
By Ralph Kirby D.S.

CR 313 No 1809 195

Jury

Came on
John R. Conely
Daphne

Not at Daphne
Believed to live
3545 Conception St
Mobile Ala

Prey

FILED
JUN 10 1952
ALICE J. DUCK, Clerk

DEMURRER

CHESTER R. BROWN,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
JOHN R. CONNOLLY,	)	NO. 1809
Defendant.	)	

Comes now defendant in the above styled cause and demurs to plaintiff's complaint and as grounds therefor sets down and assigns the following:

1. That said allegations are vague, indefinite and uncertain and do not appraise the defendant of the things he is called upon to defend.

2. The said complaint does not set out with sufficient particularity the time, place and occasion of the alleged accident.

3. For aught that appears, the plaintiff himself was guilty of negligence.

4. For aught that appears the automobile of the plaintiff was without any driver at all.

Comes now the defendant in the above styled cause and demurs to Count One of said complaint and as grounds therefor sets down and assigns the following:

1. That said allegations are vague, indefinite and uncertain and do not appraise the defendant of the things he is called upon to defend.

2. The said ~~complaint~~ COUNT does not set out with sufficient particularity the time, place and occasion of the alleged accident.

3. For aught that appears, the plaintiff himself was guilty of negligence.

4. For aught that appears the automobile of the plaintiff was without any driver at all.

Comes now the defendant in the above styled cause and demurs to Court Two of the Plaintiff's complaint and as grounds therefor sets down and assigns the following:

1. That said allegations are vague, indefinite and uncertain and do not appraise the defendant of the things he is called upon to defend.

2. The said ~~complaint~~ COUNT does not set out with sufficient particularity the time, place and occasion of the alleged accident.

3. For aught that appears, the plaintiff himself was guilty of wantonly speeding and wantonly running said automobile upon or against the said automobile belonging to defendant.

4. For aught that appears, the automobile of the plaintiff was without any driver at all.

John Earle Curry
John Earle Curry,
Attorney for defendant

cc: Howell & Johnston
Attorneys for Plaintiff

CHESTER R. BROWN,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
-vs.-	)	BALDWIN COUNTY, ALABAMA.
JOHN R. CONLEY,	)	AT LAW.
Defendant.	)	NO. 1809

Comes now the Plaintiff in the above entitled cause and amends the caption of his complaint heretofore filed so as to cause the same to read as follows:

CHESTER R. BROWN,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
-vs.-	)	BALDWIN COUNTY, ALABAMA.
JOHN R. CONLEY, also known as JOHN R. CONNOLLY,	)	AT LAW.
	)	NO. 1809.
Defendant.	)	

Howell T. Johnston
Attorneys for Plaintiff

Defendant's Address:

Daphne, Alabama

MOTION TO STRIKE

CHESTER R. BROWN,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
JOHN R. CONLEY, also known as JOHN R. CONNOLLY,	)	NO. 1809
Defendant.	)	

Comes now the defendant in the above entitled cause and moves this court to strike from the caption of the complaint of the plaintiff the name of John R. Conley, and for grounds therefor sets down and assigns the following:

1. He is not now and has never been known as John R. Conley.

John Earle Curry
John Earle Curry,
Attorney for defendant.

cc: Howell & Johnston,
Attorneys for Plaintiff.

1809

CHESTER R. BROWN,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	MOBILE COUNTY, ALABAMA
VS.	)	AT LAW
JOHN R. CONLEY,	)	
		NO. 1809
Defendant.	)	

MOTION TO QUASH - - - SPECIAL PLEA - - - MOTION TO QUASH

1. Comes John R. Connolly and appears specially for the purpose and for this purpose alone and moves the court to quash the service of the summons and complaint herein, and for grounds thereof says that his true name is John R. Connolly, and that he is not now and never was, John R. Conley. As to John R. Connolly, the name John R. Conley is a misnomer, all of which is hereby verified.

John R. Connolly
John R. Connolly

John Earle Curry
Attorney for John R. Connolly

STATE OF ALABAMA)
COUNTY OF MOBILE)

Before me the undersigned Notary Public in and for said State and County, personally appeared, John R. Connolly, known to me, who being by me first duly sworn, deposes and says, that the above plea is true and correct; that his name is John R. Connolly, and not John R. Conley; that he was served with the complaint in the above styled cause, by a Deputy Sheriff of Mobile County, in Mobile County; and that he is not John R. Conley.

John R. Connolly
John R. Connolly

Subscribed and sworn to before me this 8 day of August, 1952.

John Earle Curry
Notary Public, Mobile County, Alabama

1809

FILED
AUG. 8 1952
ALICE I. DUCK, Clerk

JOHN EARLE CURRY
ATTORNEY AT LAW
421-425 GREYSTONE BUILDING
MOBILE, ALABAMA
PHONE 3-0032

September 15th, 1952

Miss Alice J. Duck,
Circuit Court,
Baldwin County,
Bay Minette, Alabama.

Dear Miss Duck:

Enclosed herewith, please find a MOTION TO STRIKE and DEMURRER in that certain cause entitled Chester R. Brown, versus, John R. Connolly, in the Circuit Court of Baldwin County, at law, number 1809. Please file these papers for me in the above entitled cause and please serve the firm of Howell and Johnston, Annex First National Bank Building, Mobile, Alabama, with the copy enclosed herewith.

Thanking you for this and past favors, I am

Yours very truly,

John Earle Curry

John Earle Curry,
Attorney at Law.

JEC/ek

LAW OFFICES OF
HOWELL AND JOHNSTON
FIRST NATIONAL BANK ANNEX
P. O. BOX 1652
MOBILE 9, ALABAMA

THOMAS O. HOWELL, JR.
THOMAS A. JOHNSTON, III
ALICE LOUISE MANRY
IRVIN J. LANGFORD

June 9, 1952

Mrs. Alice J. Duck, Clerk
Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith please find complaint and summons in the case of Chester E. Brown vs. John R. Conley which we would appreciate your filing in your court.

Very sincerely yours,

HOWELL & JOHNSTON

Alice L. Manry

Alice L. Manry

ALM:er
Enc.

No 1809

Chester E. Brown

vs

John R. Conley

Damages

Filed 6-10-52

Harwell & Johnston

M 1809

Chester E. Brown

vs

John R. Conley

Damages

Filed 6-10-52

Howell & Johnston