

2530

JESSIE MOORER,

Plaintiff,

vs.

J. D. MIX,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

DEMURRER

Comes now the Defendant in the above styled cause, by his attorneys, and demurs to the Complaint heretofore filed against him and to each Count thereof separately and severally and assigns the following separate and several grounds in support thereof:

1. That the Complaint fails to state a cause of action.

2. That the Complaint fails to allege that the damages to the automobile of the Plaintiff were the proximate result of the alleged negligence of the Defendant.

3. It affirmatively appears from said Complaint that the Defendant was the agent, servant or employee of the Plaintiff, acting within the line and scope of his authority as such.

4. For aught that appears from the Complaint the damages to the Plaintiff's automobile were not the proximate result of any negligence on the part of the Defendant.

5. It affirmatively appears from the Complaint that the Defendant was a gratuitous bailee of the Plaintiff.

6. It affirmatively appears from the Complaint that the Plaintiff was liable for the accident complained of.

Respectfully submitted,

CHASON & STONE

By: Malcolm S. Stone
Attorneys for Defendant.

2538

RECORDED

JESSIE MOORER,

Plaintiff,

vs.

J. D. MIX,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

FILED

MAR 3 1955

ALICE J. BUCK, CLERK

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

Jessie Moore,
Plaintiff

vs

J. D. Mix,
Defendant

In The Circuit Court
Baldwin County, Ala

At Law

Demurrer

Comes the plaintiff in the above styled case
and demurring to the defendants answers
^{2 and 3 separately and severally}
pleas, filed on the 29th day of April, 1900
and as grounds therefor says:

1. Said pleas do not set up matters
constituting a defense to plaintiffs action.
2. Said pleas neither traverse nor deny
nor confess and avoid, the matters alleged
in plaintiffs complaint.
3. For aught that appears in the said pleas
the defendant is guilty of the matter alleged
in plaintiffs complaint.
4. Without denying the allegations of
plaintiffs complaint, said pleas attempt to
up the alleged negligence of a third person
without showing that the plaintiff had any
control over or in any manner was
responsible for the acts of such third
person.

Deber & Swearingen
For Plaintiff

RECORDED

Good night
L. H. H. H. H. H.

JESSIE MOORE,
Plaintiff

vs.

J.D. Mix
Defendant

IN THE CIRCUIT COURT
OF
BALDWIN COUNTY, ALA.

PLEAS

Comes now the Defendant in the above styled case and for answer to the Complaint heretofore filed against him, and to each count thereof, separately and several pleas, separately and severally, the following:

1. Not Guilty
2. That the damages to the automobile of the Plaintiff were not caused by any negligence of the Defendant but were proximately caused by the negligence of one Charles Bankster who, at the time and place complained of, so negligently operated a motorcycle as to cause or allow the same to run into the automobile of the Plaintiff.
3. That the personal injuries of Charles Bankster were proximately caused by his own negligence in that he so negligently operated the motorcycle which he was then and there riding as to cause or allow the same to run into the automobile of the Plaintiff.

Chason & Stone

By: *Malbone J. Stone*
Attorneys for Defendant

Filed 7/25/57

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Quay

RECORDED

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No.-----

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~Jessie Moorner~~ J. D. Nix

Served on 2/4/55

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against-----

~~J. D. Nix~~-----, Defendant-----

by Jessie Moorner-----

-----, Plaintiff-----

Witness my hand this 2nd day of Feb 1955-----

Levie J. Klerck-----, Clerk