

MALCOLM HAWKE,
Plaintiff,

vs.

WILLIAM BROWN,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 3169

FILED
JUN 8 1957
ALICE L. DUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

MALCOLM HAWKE,

Plaintiff,

vs.

WILLIAM BROWN,

Defendant

IN THE CIRCUIT COURT OF

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AT LAW

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DEMURRER

Comes now the Defendant in the above styled cause and demurs to the complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint does not allege that the accident occurred in Baldwin County, Alabama.
3. That said complaint does not sufficiently state where the accident occurred.
4. That the allegation in said complaint that the Plaintiff's automobile was being operated along a certain street "where it has a right to be" fails to allege that any one was driving the car owned by the Plaintiff at the time of the accident.
5. That said complaint fails to state that the Defendant negligently injured the Plaintiff or his automobile.
6. That the allegation in the complaint that the Defendant negligently caused, allowed or permitted said automobile to run against the automobile of the Plaintiff is but a conclusion of the pleader.


Attorneys for Defendant

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon WILLIAM BROWN to appear and plead, answer or demur, within thirty days from the service of this writ, to a Bill of Complaint filed against him in the Circuit Court, at Law, in said State and County, by MALCOLM HAWKE.

Herein fail not. Due return make of this writ as the law directs.

Witness my hand this the 21 day of March, 1957.

Reece J. French
CLERK OF COURT

MALCOLM HAWKE,
Plaintiff
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AT LAW

C O U N T O N E

The Plaintiff claims of the Defendant the sum of \$500.00 as damages for that heretofore on, to-wit, December 24th, 1956, the Plaintiff's automobile was being operated along and upon a public street in the City of Fairhope, Alabama, on, to-wit, Orange Street at a point near Mobile Avenue (U. S. Highway No. 98), where he had a right to be and while said automobile was being operated and driven along said Orange Street an automobile which was being driven by the Defendant ran upon, over and against the automobile of the Plaintiff, causing great damages and injuries to the Plaintiff's automobile: the left front fender, axle, radiator, left front wheel, and other parts of the Plaintiff's automobile were bent, broken, smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid.

And the Plaintiff alleges that his said damages to his said automobile were proximately caused by the negligence of the Defendant, in that he negligently caused, allowed or permitted said automobile to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damaged and injured as aforesaid.

James H. Bailey
ATTORNEY FOR PLAINTIFF