

BETTY RUTH KNOWLES,)	
)	
Plaintiff,)	IN THE CIRCUIT COURT OF
vs.)	BALDWIN COUNTY, ALABAMA
MARION ERNIE FLEMING and)	AT LAW. NO. 3231.
CITY OF BAY MINETTE, a)	
Municipal Corporation,)	
)	
Defendants.)	

DEMURRER

Now come the Defendants, each separately and severally, and demur to Court "A" of the Plaintiff's amended complaint and as grounds of such demurrer, assign, separately and severally, the following:

1. It does not state a cause of action.
2. No facts are alleged on which the relief sought can be granted.
3. The allegations of the amended complaint are conclusions of the pleader.
4. The allegations of the amended complaint are vague, indefinite and uncertain.
5. No facts are alleged to show that the Plaintiff complied with the provisions of Title 37, Section 504 of the 1940 Code of Alabama.
6. No facts are alleged to show that the Plaintiff filed with the Defendant, the City of Bay Minette, a Municipal Corporation, or its Clerk, a sworn statement stating substantially the manner in which the injury to the Plaintiff's motor vehicle was received, the day and time, the place where the accident occurred, and the damages claimed.
7. No facts are alleged to show that the Plaintiff presented the claim here sued on to the Defendant, the City of Bay Minette, a Municipal Corporation, or its Clerk, within six months from the accrual thereof, as provided by Title 37, Section 476 of the 1940 Code of Alabama.

8. No facts are alleged to show that the Plaintiff complied with the provisions of Title 37, Section 476 of the 1940 Code of Alabama, and filed a claim for the injuries here sued for within six months from the accrual thereof.

J. B. Blackburn
Attorney for Defendants.

JURY LIST
SEPTEMBER 8, 1958
FALL TERM

NO.	NAME	OCCUPATION	ADDRESS
1	Jassan, Lewis	Farmer	Elberta
2	Payey, Paul A.	Farmer	Fairhope
3	Parler, Robert Lee	Farmer	Rabon
4	Nickelson, Roy	Farmer	Summerdale
5	Andersch, William F.	Merchant	Foley
6	Neese, L.M.	Merchant	Robertsdale
7	Nil, Bill	Standard Oil	Robertsdale
8	Kachele, John F.	Mechanic	Elberta
9	Averitt, Chester C.	Farmer	Mag. Spgs.
10	Baggett, Dennis	Farmer	Elberta
11	Baker, Louis E.	Foley Port. Co.	Foley
12	Bankster, Turpen	Railroad Emp.	Robertsdale
13	Bashin, Herbert T.	Salesman	Bay Minette
14	Bishop, Clarence	Farmer	Fairhope
15	Bishop, David	Farmer	Fairhope
16	Bryant, Morris	Farmer	Stockton
17	Camp, Lester Daniel	Sanitation	Bay Minette
18	Childress, Guy	Farmer	Robertsdale
19	Grosby, James L.	Bookkeeper	Foley
20	Cunningham, Lester	Motel Oper.	Gulf Shores
21	Dukes, Colon	Merchant	Foley
22	Dusen, Frank J., Jr.	Civil Service	William
23	Edrat, Oneal E.	Merchant	Gulf Shores
24	Givens, G.	Pulp Wood	Seminole
25	Graham, Dan	Farmer	Summerdale
26	Gwin, E.B.	Merchant	Fairhope
27	Karak, Frank	Retired	Foley
28	Haupt, John G.	Baker	Elberta
29	Hill, Calvin	Farmer	Bellevue
30	Holt, Arthur A.	Ins. Agt.	Foley
31	Price, John A.	Farmer	Elberta
32	Reding, Theo	Merchant	Loxley
33	Roley, Charlie W.	Farmer	Perdido
34	Roley, Leonard D.	Farmer	Perdido
35	Sanca, James, Jr.	Butcher	Robertsdale
36	Silber, Bill	Farmer	Summerdale
37	Smith, C.	Farmer	Seminole
38	Stewart, Douglas I.	Farmer	Rabon
39	Stoeke, William R.	Farmer	Elberta
40	Tollard, Dick	Laborer	Foley
41	Lamar, Reuben	Laborer	Foley

P. ~~XXXXX~~ XXXXX XXX

U. ~~XXXXX~~ XXXXX XXX

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BETTY RUTH KNOWLES,

Plaintiff,

vs.

MARION ERNIE FLEMING and CITY
OF BAY MINETTE, a Municipal
Corporation,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. No. 3231.

PLEA

Now come the Defendants, each separately and severally,
and for answer to the complaint say:

1. The defendants, for answer to the complaint saith
that they are not guilty of the matters alleged therein.

2. At the time and place alleged in the complaint, the
Plaintiff was herself, guilty of negligence which proximately
contributed to her alleged injuries and damages in that she then
and there so negligently operated the automobile which she was
then and there driving as to cause it to run into, upon or against
the motor vehicle which was owned by the Defendant, the City of
Bay Minette, and operated by the Defendant, Marion Ernie Fleming.

J. B. Blackburn
Attorney for Defendants.

BETTY RUTH KNOWLES,

Plaintiff,

VS.

MARION ERNIE FLEMING and
CITY OF BAY MINETTE, A
MUNICIPAL CORPORATION,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. _____

Comes the plaintiff, BETTY RUTH KNOWLES, and amends her complaint heretofore filed in this cause by adding thereto Count "A", as follows:

C O U N T "A"

The plaintiff claims of the defendants the additional sum of SIX HUNDRED (\$600.00) DOLLARS, as damages, for that, heretofore, on, to-wit: the 2nd day of January, 1957, at about 9:00 o'clock, A. M., at the intersection of Seventh Street and Moog Avenue, Public Highways in the City of Bay Minette, Baldwin County, Alabama, the defendant, MARION ERNIE FLEMING, who was then and there an agent, servant, or employee of the defendant, City OF BAY MINETTE, A MUNICIPAL CORPORATION, acting within the line and scope of his employment as such, so negligently operated an automobile truck, belonging to the CITY OF BAY MINETTE, which he was then and there driving, as to cause plaintiff's automobile which she was then and there driving to run into, upon or against said automobile truck, and as a proximate result of the negligence of the said MARION ERNIE FLEMING, as aforesaid, plaintiff's said automobile was demolished, damaged beyond repair, and rendered a total loss. And plaintiff avers that her said damages to her said automobile were proximately caused by the negligence of the defendant, MARION ERNIE FLEMING, an agent, servant, or employee of the defendant, CITY OF BAY MINETTE, A MUNICIPAL CORPORATION, then and there in charge of said automobile truck for the City of Bay Minette and acting within the line and scope of his employment as such, in that the said MARION ERNIE FLEMING negligently operated said automobile truck at the time and place of the said collision; all to the damage of the plaintiff as aforesaid, hence this suit

And plaintiff avers that a statement of said claim was filed with the defendant, CITY OF BAY MINETTE, within six (6) months after January 2, 1957, and that said CITY OF BAY MINETTE has failed or refused to pay the same.

Jeffery Washburne
ATTORNEY FOR PLAINTIFF.

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No. 3231

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Marion Ernie Flemming and City of Bay Minette
A Municipal Corporation.

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 Marion Ernie
Felmming and City of Bay Minette, a Municipal Corporation, Defendant
by Betty Ruth Knowles
_____, Plaintiff.....

Witness my hand this 1st day of May 19...57...

Reice J. Wacker, Clerk

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN LAW. NO. 3231

BETTY RUTH KNOWLES,

Plaintiff,

VS.

MARION ERNIE FLEMING, and
CITY OF BAY MINETTE, A
MUNICIPAL CORPORATION,

Defendants.

Filed

COMPLAINING. 5-1-57

Recd. by Clerk

TELFAR J. MASHBURN, JR.

ATTORNEY-AT-LAW

BAY MINETTE, ALABAMA

Received 2 day of May 1957.
and on 2 day of May 1957.
I served a copy of the within a/c
on Marion Ernie Fleming
City of Bay Minette
By service on Rudolph L. Comanick City Clerk
TAYLOR WILKINS, Sheriff
By W. A. Bell D. S. 2 me

BETTY RUTH KNOWLES,

Plaintiff,

vs.

MARION ERNIE FLEMING and
CITY OF BAY MINETTE, a
Municipal Corporation,

Defendants.

IN THE CIRCUIT COURT OF

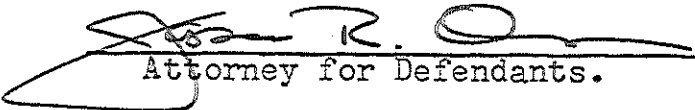
BALDWIN COUNTY, ALABAMA

AT LAW. NO. 3231.

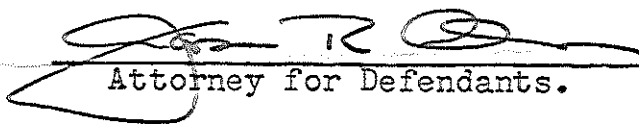
NOTICE:

Pursuant to the provisions of Act No. 375 enacted by the Legislature of Alabama and approved September 8, 1955, (General Acts of Alabama, 1955 Session, Volume 2, pages 901-7), notice is hereby given that the Defendants desire to take the testimony of Betty Ruth Knowles by deposition upon oral examination for the purpose of discovery or for the use as evidence in the action or for both purposes.

Notice is further given that the said testimony will be taken in the office of Louise J. Dusenbury, Courthouse, Bay Minette, Baldwin County, Alabama, at 2:00 P. M. on September 5, 1957.


Attorney for Defendants.

I hereby certify that I delivered a copy of the foregoing notice to Hon. Telfair J. Mashburn, Jr., the Attorney for the Plaintiff on this the 3rd day of September, 1957.


Attorney for Defendants.

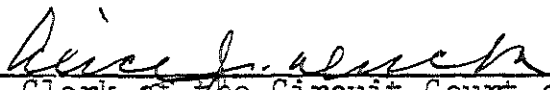
STATE OF ALABAMA

BALDWIN COUNTY

TO ANY LAWFUL OFFICER OF SAID COUNTY:

Summon BETTY RUTH KNOWLES to be and appear before Louise J. Dusenbury, Court Reporter, at the Courthouse in Bay Minette, Alabama, at 2:00 P. M. on the 5th day of September, 1957, in the case of Betty Ruth Knowles, Plaintiff, vs. Marion Ernie Fleming and City of Bay Minette, a Municipal Corporation, Defendants, and there make return of this writ.

WITNESS my hand on this the 3rd day of September, 1957.


Clerk of the Circuit Court of Baldwin
County, Alabama.