

-VS-

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.  
AT LAW.

1. Because said complaint does not allege or show any violation by the defendant of any duty owed to the plaintiff.

3. Because said count does not sufficiently inform the defendant of the nature of the negligence on which the same is based.

5. Because said count alleges that the plaintiff was injured by the automobile and not by the defendant.

7. Because said count does not state the time of the occurrence of the alleged negligence of the defendant.

9. Because said count does not allege or show the place where occurred the negligence of the defendant.

10. Because for aught that appears from said count the negligence of the defendant mentioned in said count may have

occurred long prior to the occasion on which the plaintiff was injured.

11. Because said count does not state a cause of action.

The defendant demurs to Count 2 of the plaintiff's complaint upon the same separate and several grounds on which is based the demurrer to Count 1 of the complaint and also upon the following additional separate and several grounds:

1. Because said count does not allege or show that the defendant negligently caused his automobile to run off the road and injure the plaintiff.

2. Because said count does not allege or show that the defendant negligently allowed his automobile to run off the road and injure the plaintiff.

3. Because said count does not aver that the defendant negligently caused or allowed his automobile to run off the road and injure the plaintiff.

4. Because said count does not aver that the act of the defendant in causing or allowing the automobile to run off the road was negligent.

5. Because said count refers to the "said negligent act or acts of the defendant in that he caused or allowed the said automobile to run off the road", when there is no prior mention in said count of such act or acts.

6. Because said count is indefinite in meaning.

Stevens M'Comy M'Leod Lord & Turner  
Attorneys for Defendant.

APPROPRIATE FOR DEFENDENT'S

*James H. Campbell*  
*W. Campbell*

6. Because said count is unavailing.

Before mention in said count of such act or acts:

the said automobile to run off the road. When there is no

act or acts of the defendant in fact or caused or allowed

the road was negligent. The said negligent

of the road was negligent.

the defendant in causing or allowing the automobile to run

Because said count does not state that the act of

road and injure the plaintiff.

negligently caused or allowed the automobile to run off the

3. Because said count does not state that the defendant  
off the road and injure the plaintiff.

the defendant negligently allowed his automobile to run

5. Because said count does not allege or show that  
road and injure the plaintiff.

defendant negligently caused his automobile to run off the

1. Because said count does not allege or show that the

Because:

and also upon the following additional separate and several

which is based the count 1 of the complaint

complaint upon the same counts and several grounds as

The defendant counts to Count 5 of the plaintiff's

action.

11. Because said count does not state a cause of  
was injured.

occurred long prior to the occasion on which the plaintiff

*Louis Hailey*

*B. M. Evans*

*Plaintiff to Complaint*

*James H. Campbell*  
*W. Campbell*

LOUIS DAILEY,	:	NO. _____
Plaintiff,	:	
vs	:	IN THE CIRCUIT COURT OF
B. M. EVANS,	:	BALDWIN COUNTY, ALABAMA.
Defendant.	:	AT LAW.

-1-

Plaintiff claims of the defendant the sum of FIVE THOUSAND and 00/100 (\$5000.00) DOLLARS, as damages for that on, to-wit: August 13th, 1931, the plaintiff, while being carried as a passenger in an automobile owned by the defendant, which automobile was then and there being run or operated by the defendant, along the public road leading from Bay Minette to the eastern end of the Bay Bridge, in Baldwin County, Alabama, was permanently injured by said automobile, said injuries being to plaintiff's spine, and his head, limbs and body were badly bruised and plaintiff was, by said automobile, painfully and permanently injured, and plaintiff was also put to the expense of doctor's, medicines, nurse's and hospital bills in the effort to bring about a recovery from injuries caused by the defendant by said automobile.

Plaintiff avers that his injuries aforesaid were proximately caused by the negligence of the defendant in and about the management and operation of the said automobile.

-2-

The plaintiff claims of the defendant, the sum of FIVE THOUSAND and 00/100 (\$5000.00) DOLLARS, as damages for that on, to-wit: the 13th day of August, 1931, plaintiff, while being carried as a passenger in an automobile owned by the defendant, which automobile was being run or operated by the defendant along and over the public road leading from Bay Minette, Alabama, to the eastern end of the Bay Bridge, in Baldwin County, Alabama, was permanently and seriously injured by said automobile, plaintiff's injuries being to his back, and to his stomach or abdomen, and he was bruised and cut and injured about the head and body, and limbs, by said automobile which was operated as aforesaid, by defendant.

Plaintiff avers that his injuries aforesaid were proximately

caused by the said negligent act or acts of the defendant in that he caused or allowed the said automobile to run off the road down an embankment, and injure the plaintiff as aforesaid.

R.P. Roach

Attorneys for the Plaintiff.

The plaintiff demands a trial by jury.

R.P. Roach

Attorney for the Plaintiff.

[illegible]

Filed Aug 25 - 1931  
J. M. McElroy  
Clerk

The State of Alabama, BALDWIN County

CIRCUIT COURT

To Any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon

B. M. Evans

to appear in the Circuit Court of Baldwin County, Alabama, at the place of holding the same and plead, answer, or demur, within thirty days from service hereof to the complaint of

Louis Dailey

Witness this 25th day of August, 19 31.

J. W. Reel, Clerk.

IF THE DEFENDANT FAILS TO APPEAR AND PLEAD, ANSWER OR DEMUR WITHIN THIRTY DAYS AFTER SERVICE THE PLAINTIFF MAY TAKE JUDGMENT BY DEFAULT.

COMPLAINT

VS.

Plaintiff

Defendant

And the Plaintiff claim of the Defendant

Dollars, due

97

ORIGINAL  
No. *Recalled*

The State of Alabama  
BALDWIN County

CIRCUIT COURT

Louis Dailey

Plaintiff

vs.  
B. M. Evans

Defendant

Summons and Complaint

Filed this 25th day of  
August 19 31.

*R. P. Roach*  
Clerk.

R. P. Roach

Plaintiff's Attorney.

Received this 26 day  
of Aug., 1931  
Dr. H. Haleomke, Jr., Sheriff.

Executed this 26 day  
of Aug., 1931, by  
leaving a copy of the within Summons and Com-  
plaint with

B. M. Evans

Defendant

Dr. H. Haleomke, Jr.  
S. C. Roddy, Jr. Sheriff.

The State of Alabama,  
BALDWIN COUNTY

To the Sheriff of \_\_\_\_\_ County:

Whereas, the Plaintiff in the within stated  
cause has made affidavit and given bond as  
required by law, you are hereby required to  
take the property mentioned in the complaint  
into your possession, unless the Defendant  
give bond payable to the Plaintiff with  
sufficient surety in double the amount of the  
value of the property, with condition that if the  
Defendant

cost in the suit,  
within thirty days thereafter, deliver the property  
to the Plaintiff, and pay all costs and damages  
which may accrue from the detention thereof.

\_\_\_\_\_, Clerk.