

452

PLEAS

Comes now the Defendant in the above styled cause, by her Attorneys, and for answer to the Complaint heretofore filed against her pleads, separately and severally, the following:

1. Not guilty.

2. That the Plaintiff himself was guilty of negligence at the time and place complained of which proximately contributed to his alleged damages in that the agent, servant or employee of the Plaintiff who was then and there acting within the line and scope of her employment as such so negligently operated the motor vehicle of the Plaintiff as to cause or to allow the same to run into, upon and against the automobile then and there operated by the Defendant, hence he should not recover.

3. For further plea and by way of recoupment the Defendant, Mrs. Mary Stuart Nall, claims of the Plaintiff the sum of \$600.00 damages for that heretofore on, to-wit, July 31, 1961 at a point on Alternate Alabama Highway No. 59 two-tenths of a mile North of the intersection thereof with Alabama Highway No. 180, which point is a public road in Baldwin County, Alabama, the Plaintiff acting by and through his agent, servant or employee, who was then and there acting within the line and scope of her authority as such, so negligently operated a motor vehicle as to cause it to run into, upon or against a motor vehicle in the possession of the Defendant and being operated by her, the title to which automobile was not in the Plaintiff, and as a proximate result of the negligence of the Plaintiff aforesaid the said motor vehicle in the possession of the Defendant was damaged in this: the front bumper was bent, damaged and broken; the front grill and grill assembly was bent, damaged and broken; the left front head-lamp

and parking lamp was bent, damaged and broken; the left front fender was bent, damaged and broken; the radiator was bent, damaged and broken; the hood was bent, damaged and broken; and the front wheels were bent, damaged and knocked out of line, all to the damages of the Defendant, Mrs. Mary Stuart Nall, in the sum above mentioned.

CHASON & STONE

By: John Earle Chason

FILED

OCT 30 1961

ALICE J. DUCK, CLERK
REGISTER

JOHN M. KILBORN,
Plaintiff,

vs.

MRS. MARY STUART NALL,
Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

PLEAS

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FILED

OCT 30 1961

ALICE J. DUCK, CLERK
REGISTER

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

JOHN M. KILBORN,

Plaintiff,

-vs-

MRS. MARY STUART NALL,

Defendant.

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. _____

Comes now the plaintiff and for answer to the defendants plea of recoupment sets down and assigns the following replications separately and severally:

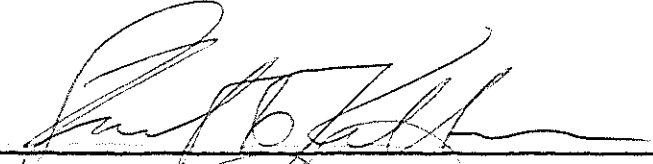

1. Not guilty.

2. That the defendant herself was guilty of negligence at the time and place complained of which proximately contributed to her alleged damages in that the defendant so negligently operated the motor vehicle in her possession as to cause or allow the same to run into, upon or against the automobile of the plaintiff, hence the defendant should not recover.

FILED

NOV 17 1961

ALICE J. DUCK, CLERK
REGISTER



Attorneys for Plaintiff

SUMMONS

JOHN M. KILBORN, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
versus : AT LAW
MRS MARY STUART NALL, :
Defendant. : NO. 4872

THE STATE OF ALABAMA)
BALDWIN COUNTY) CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Mrs. Mary Stuart Nall to appear within thirty days from service of this process, in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of John M. Kilborn.

WITNESS:

Clerk of said Court, this

12 day of Sept, 1961.

ATTEST:

Alice J. Newell
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 1961 _____
and on _____ day of _____, 1961, I served a
copy of the within _____ on _____
by service on _____

TAYLOR WILKINS, SHERIFF

By _____ D. S.

COMPLAINT.

JOHN M. KILBORN, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
versus : AT LAW
MRS. MARY STUART NALL, :
Defendant. : NO. 4872

COUNT ONE

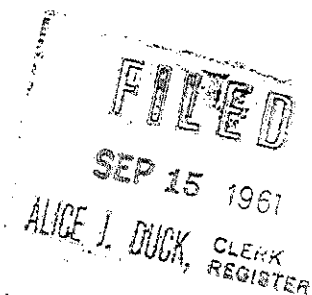
Plaintiff claims of the Defendant FIVE HUNDRED AND NO/100ths (\$500.00) DOLLARS as damages for this:

On to-wit July 31, 1961 Plaintiff was the owner of an automobile then being operated northwardly at Gulf Shores, Alabama, on a highway leading north from the four-way intersection of the road east to west leading to Fort Morgan with the road leading south-north from the Gulf of Mexico, which roadway meanders northwardly and eastwardly towards the Intrastate Waterway Canal and the Bridge over such canal. At that time and place Defendant was operating an automobile southwardly on the same roadway approaching Plaintiff's automobile. At such time and place, the aforesaid road being a public highway, Defendant negligently drove the automobile being operated by her upon and against Plaintiff's automobile. As a direct and proximate consequence of the negligence aforesaid Plaintiff's automobile was smashed and broken on the left side, and it was otherwise bent and thrown out of line, all to Plaintiff's damage in the amount claimed. Wherefore this suit.


ATTORNEY FOR PLAINTIFF

Defendant's Address:

310 - 11th Street
Bay Minette, Alabama



4872

John N. Kilborn

JS

Mrs. Mary Stuart Hall

Received 15 day of Sept 1961
and on 9 day of Oct 1961
I served a copy of the within etc
on Mrs. Mary Stuart Hall

By service on

TAYLOR, WILKINS, Sheriff
By W. A. Kilborn S.
C mi

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS (1900-1957)

SAM W. PIPES, III

WALTER M. COOK

FRANK T. POPE, JR.

GORDON B. KAHN

IRWIN W. COLEMAN, JR.

November 16, 1961

Clerk, Circuit Court of Baldwin County
Bay Minette, Alabama

Re: John M. Kilborn v. Mrs. Mary Stuart Nall
In the Circuit Court of Baldwin County, Alabama

Gentlemen:

We enclose herewith replications which we ask that you
file acknowledging receipt on the enclosed copy and re-
turn to us in the enclosed self addressed envelope.

Very truly yours,

LYONS, PIPES AND COOK

Sam W. Pipes, III

SWP:mb