

JOHN V. DUCK,)
Plaintiff,)
vs.)
LANIER P. ANGLE,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

M. 7005

TO LANIER P. ANGLE, JUSTICE OF THE PEACE, FAIRHOPE, ALABAMA:

WHEREAS, JOHN V. DUCK, a practicing attorney of Baldwin County, Alabama has filed in this Court and presented to the Honorable Telfair J. Mashburn, Judge thereof, a Petition for a Writ of Mandamus commanding and ordering as is hereinafter set forth, and the said Judge of said Court has ordered the issuance of the alternative Writ so prayed for;

YOU ARE HEREBY ORDERED AND COMMANDED forthwith to allow the Petitioner to file his pleadings in the Justice of the Peace Court of LANIER P. ANGLE in Precinct Ten, Fairhope, Alabama, or else appear before this Honorable Court on the 20th day of June, 1966, at 9:00 A.M. o'clock and show cause why you should not do so.

WITNESS my hand on this the 6th day of June, 1966.

Telfair J. Mashburn
~~ALICE J. DUCK~~, Clerk of the Circuit
Court of Baldwin County, Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to serve a copy of the foregoing Alternative Writ of Mandamus on LANIER P. ANGLE, Fairhope, Alabama,

WITNESS my hand this the 6 day of June, 1966.

Alice J. Duck
ALICE J. DUCK, Clerk of the Circuit
Court of Baldwin County, Alabama.

JOHN V. DUCK,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW <i>no. 7005</i>
LANIER P. ANGLE,)	
Defendant.)	

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW:

Comes now your Petitioner, and respectfully shows unto your Honor as follows:

1. That your Petitioner is a practicing attorney in Fairhope, Alabama, and has been since April 10, 1947, and is over the age of twenty-one (21) years; that the Defendant is a Justice of the Peace of Princinct Ten, Fairhope, Alabama, and is over the age of twenty-one (21) years.

2. That heretofore and on, to-wit: the 21st day of May, 1966, the Defendant filed a lawsuit in his Court on behalf of JOHN C. DANA, as Plaintiff, vs. GREEN C. BLAYLOCK, JR., as Defendant, and that the Defendant, GREEN C. BLAYLOCK, JR. did retain the services of your Petitioner to defend him in said action.

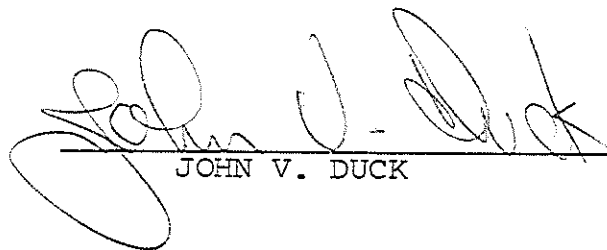
3. That on the 31st day of May, 1966, at 9:40 A.M., your Petitioner appeared in the Justice Court of the Defendant with an Answer of the plea of the general issue in the said suit, with a demand for a jury trial thereon, and that at said time and place, the Defendant failed and refused to allow your Petitioner to file the said plea, and failed and refused your Petitioner to the right to appear and defend on behalf of his client, GREEN C. BLAYLOCK, JR.

4. Your Petitioner further shows that such failure or refusal by the said Defendant constitutes failure on his part to perform a ministerial duty imposed upon him as Justice of the Peace by the Statutes of this State.

WHEREFORE, the premises considered, your Petitioner respectfully prays that your Honor will grant a Writ of Mandamus

directed to the said LANIER P. ANGLE, as Justice of the Peace of Princinct Ten in Fairhope, Alabama, returnable to the Circuit Court of Baldwin County, Alabama, ordering and commanding the said LANIER P. ANGLE, as such Justice of the Peace, forthwith to allow your Petitioner to file his pleadings in the said Court to protect the constitutional rights of his client, GREEN C. BLAYLOCK, JR., and Petitioner respectfully prays for any other and further relief, and for such other and further orders and judgments to which he may be entitled under the facts above alleged.

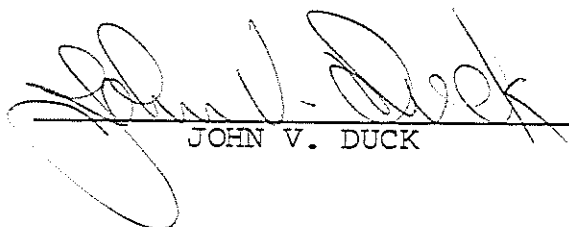
Respectfully submitted.


JOHN V. DUCK

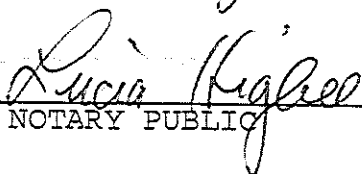
STATE OF ALABAMA

BALDWIN COUNTY

Before me Lucia Higbee, a Notary Public, in and for said county in said state, personally appeared JOHN V. DUCK, whose name is signed to the foregoing Petition and who is known to me, who, upon oath, deposes and says that the facts stated in said Petition are true and correct.


JOHN V. DUCK

Subscribed and sworn to before me
this 3rd day of June, 1966.


NOTARY PUBLIC

TO THE CLERK OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Let the alternative Writ prayed for in the foregoing Petition issue forthwith, returnable to the Circuit Court of Baldwin

FILED
JUN 6 1966
ALBANY, ALA.
CLERK OF COURT

County, Alabama on the 20th day of June,
1966 at 9:00 o'clock, A.M.,

This the 6th day of June, 1966.

Dellner J. Mashburn
JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

EX-6-9-66

720.7005

Received 6 day of June 1906
and on 9 day of June 1906
I have a copy of the within Order
by Lanier P. Angle
for service on Lanier

TAYLOR WILKINS, Sheriff
By Roy Randall

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff
BY Roy Randall
DEPUTY SHERIFF

John V. Alcock
vs.
Lanier P. Angle

1. Pickup
2. Order

John V. Alcock
att