

764

ALBERT S. TOWLE,

Plaintiff,

VS.

LUTHER LASHMIT,

Defendant.

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

Now comes the Defendant and pleads the general issue and contributory negligence with leave to give in support thereof any evidence that might be shown if the same was well pleaded, the Plaintiff to have the right to give any evidence in rebuttal as if well pleaded.

Smith, Paul & Russell
Attorneys for Defendant.

ALBERT S. TOWLE, :
Plaintiff : IN THE CIRCUIT COURT OF
v. : BALDWIN COUNTY, ALABAMA
LUTHER LASHMIT, :
Defendant : AT LAW

Comes the defendant in the above styled cause and demurs to the complaint filed therein by the plaintiff, and as separate and several grounds of said demurrer, says:

1. Said count attempts to aver the quo modo of the alleged negligence, and the facts averred are not sufficient to constitute negligence as a matter of law.

2. For aught that appears from said complaint the alleged damages of the plaintiff were not a proximate consequence of any negligence on the part of the defendant.

3. The allegation of said count that the defendant brought his automobile "to an abrupt stop without warning, thereby causing plaintiff's automobile to collide therewith" is a conclusion of the pleader and is not supported by the facts alleged.

4. For aught that appears from said count the negligence of the plaintiff himself was the sole proximate cause of said accident.

Smith, Hand & Arndall
Attorneys for Defendant

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ALBERT S. TOWLE,

:

Plaintiff

:

IN THE CIRCUIT COURT OF

v.

:

BALDWIN COUNTY, ALABAMA.

LUTHER LASHMIT,

:

AT LAW.

Defendant

:

Comes the Defendant in the above styled
cause and files this his appearance therein, expressly
reserving the right to demur, plead specially, and
answer said complaint.

Smith Hand & Arendall
Attorneys for Defendant

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SUMMONS AND COMPLAINT

ALBERT S. TOWLE,

Plaintiff,

VS.

LUTHER LASHMIT,

Defendant.

*Caution: do not
bring 102
7/2/42*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

*404 - 1st Nat Bank Clery
around 9:30 AM
Glenn Roberts,*

830 am

9

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

9-8-42

Received *8* Day of *July* 19 *42*
and on *21* Day of *July* 19 *42*
I served a Copy of the within *Summons*
on *Luther Lashmit*
by service on _____
W. E. HOLCOMBE, Sheriff
By *H. W. Dumas*

764