

864

JAMES D. SHIPP,
Complainant,
VS.
T. C. ALLEN,
Defendant.

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

Now comes the Defendant in the above styled cause and
for Plea to the Complaint filed in said cause says:

FIRST:

Not guilty.

SECOND:

The Plaintiff himself was guilty of negligence which
proximately contributed to his damages and on account of which he
should not recover in this action, said contributory negligence
consisted in this: that at the point of the collision between
Plaintiff's automobile and Defendant's truck which occurred at the
time and place mentioned in the Complaint that Plaintiff's automobile
which was then and there being driven North by his Agent on his
right hand side of the highway and as he approached the Defendant's
truck said Agent negligently drove said automobile immediately
front of said truck which was then and there traveling South on
right hand side of the highway and as a proximate cause thereof
Agent negligently caused said automobile to run into or against
Defendant's truck wherefore the Plaintiff should not recover.

THIRD:

The Defendant, T. C. Allen, pleads specially by way of
recoupment and claims of the Plaintiff the sum of \$250.00 as damages
for in this: that at the time and place of the collision complained
of in the Plaintiff's complaint the Defendant, T. C. Allen was
and there driving a truck along Alabama highway No. 3 at the intersection
section of Alston Street in the Town of Foley, Alabama, in Baldwin
County, where he had a right to be, at which time and place and
of the Plaintiff negligently drove an automobile into or against

truck which the Defendant was then and there driving and as a proximate result thereof Defendant's truck was damaged in this: his left front fender and left light were badly damaged, the frame and body of such truck were damaged and the steering gear was made unfit for use, all to his damages in the sum aforementioned and Defendant further avers that the negligence of the Plaintiff's Agent as aforesaid was the proximate cause of his damages.

Hubert A. Rosen
Attorneys for Defendant

PLEAS.

JAMES D. SHIPP,

Complainant,

VS.

T. C. ALLEN,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed September 20, 1945.

R. Allen
Clerk.

JAMES D. SHIPP,
Complainant,
VS.
T. C. ALLEN,
Defendant.

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

Now comes the Defendant in the aforesaid
cause and files this his Demurrer to the Complaint, and as
grounds therefor, says:-

FIRST:

That said Complaint states no cause of action.

SECOND:

That said Complaint claims speculative damages.

THIRD:

From ought appearing Plaintiff would have had
no pay passengers in his taxi business during the time that said
automobile was out of use.

FOURTH:

That said Complaint fails to state the amount
of business that he lost by reason of said automobile being out
of use for a period of several weeks.

Hybart Jones
Solicitors for Defendant.

DEMURREK.

JAMES D. SHIPP,
Complainant,

vS.
s

T. C. ALLEN,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

FILED *July 3rd, 1944.*

R. K. Decker
Clerk.

LAW OFFICES

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
Case No. 864 Nov. Term, 1944

To any Sheriff of the State of Alabama, GREETING:

~~Mrs~~ ^{Mrs} E D Lipscomb. Mrs Ollie Paul. Howard. Paul. Rickard. Paul, Mrs Gerald Weeks.
and Mrs T C Allen.

You are hereby commanded to summon

if to be found in your County, at the instance of the Deft.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there

of, by 8.30 o'clock of the forenoon, on the 7th day of November, 1944

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein James D Shipp. Plaintiff

and T C Allen. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 23rd. day of Oct., 1944

R.S. Duck

Clerk

Received in office this _____ day of

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SHERIFF

I have executed this writ

W R Smith

ORIGINAL

No. 864.

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

James D Shipp.

Plaintiff

VS.

T U Allen.

Defendant

CIVIL SUBPOENA

Issued this 23rd day of

Oct, 1944.

R S Duck

Clerk.

SHERIFF

W R Smith
Hall

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon T. C. ALLEN to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the complaint of JAMES D. SHIPP.

Witness my hand this the 22 day of May, 194

R. S. Shuck
Clerk.

JAMES D. SHIPP
COMPLAINANT

VS

T. C. ALLEN
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

The Plaintiff claims of the Defendant ONE THOUSAND DOLLARS damages for that heretofore on to-wit August 21st, 1943, at the intersection of Alston Street with Alabama Highway No. 3, within the Town of Foley, Ala in Baldwin County, the Defendant negligently drove or ran an automobile truck into or against an automobile belonging to the Plaintiff and as a proximate result thereof, the Plaintiff's automobile was damaged as follows: Right front fender, radiator, fan assembly, grill, bumper, wheel, hood, left front fender, were damaged, and the said automobile otherwise damaged, all to the damage of the Plaintiff.

The Plaintiff avers that his automobile was used in the taxi business and that as a result of said damages he was caused to lose the ~~loss~~ thereof for several weeks, all to the damage of the Plaintiff as aforesaid.

The Plaintiff alleges that his damages and the loss of the of the car were the proximate result of the negligence of the ^{Defendant} Plaintiff in running said automobile truck into or against his said car.

PLAINTIFF DEMANDS A TRIAL BY JURY.

BEENE & HALL,

By Beene & Hall

JAMES D. SHIPP,
COMPLAINANT

VS

T. C. ALLEN
DEFENDANT

SUMMONS AND COMPLAINT.

Received 23 1944
Paul

BEEBE & HALL
LAWYERS
BAY MINETTE, ALABAMA

*I have executed
this with by handing
a copy to the Defendant
J.C. Allen this 20th
10th day June 1944.
W.C. Stewart-Att'y
for James Davis D.S.*

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