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SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

April 7, 1953

MAILING ADDRESS

P. O. BOX 123
MOBILE, ALA.

CABLE ADDRESS:
HAB

1876

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Dear Mrs. Duck:

We are enclosing an original and one copy of our demurrer to be filed in the case styled Louis C. Ledkins v. Luther C. Barkley.

It would be appreciated if you would acknowledge receipt of this demurrer and advise when the next term of court and pleading day will be.

Yours very truly,

SMITH, HAND, ARENDALL & BEDSOLE

By

Wm. Brevard Hand

WBH.lu
Encls.

cc: Horne & Webb
Attorneys

S U M M O N S

THE STATE OF ALABAMA 1
BALDWIN COUNTY 0

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA- GREETINGS:

You are hereby commanded to summon Luther C. Barkley to appear in the Circuit Court of Baldwin County, Alabama at the place of holding the same to plead, answer or demur within thirty (30) days from service hereof to the complaint of Louis C. Ledkins.

Witness my hand this 17th day of October, 1952.

Heide J. Couch
CLERK.

C O M P L A I N T

LOUIS C. LEDKINS 0

IN THE CIRCUIT COURT OF

vs. 1

BALDWIN COUNTY, ALABAMA.

LUTHER C. BARKLEY 0

NO. _____.

The Plaintiff, Louis C. Ledkins claims of the Defendant, Luther C. Barkley the sum of one thousand (\$1,000.00) Dollars as damages, for this, that on to-wit: October 10, 1952 the Plaintiff was traveling in his automobile on U. S. Highway Number 31, a public highway in Baldwin County, Alabama, and at a point about one mile south of Perdido, Alabama, at a place in Baldwin County, Alabama where the Plaintiff and the public had a right to travel and that while the Plaintiff was lawfully traveling upon said highway in a westerly direction in said automobile, which was his property, Defendant, who was driving an automobile in an easterly direction and in the opposite direction from that being traveled by the Plaintiff, or towards Atmore, Alabama, when the said Defendant attempted to pass a truck and an automobile on the same side of the highway on which Defendant was then traveling and while the Defendant and the said vehicles were approaching and meeting the automobile of the Plaintiff and at a time and place where

Defendant did not have sufficient room nor time for passing the said vehicles traveling on the same side of the said public highway and in the same direction as that being traveled by the Defendant and that in so attempting to pass the said motor vehicles at the said time and place the Defendant so negligently operated his said automobile as to necessitate the Plaintiff applying his brakes in order not to smash head-on into the automobile being operated by the Defendant and in order to give the Defendant time and space in which to pass the said vehicles traveling on the same side of the highway as the Defendant and in the same direction and as a proximate consequence of Defendant's negligence in attempting to pass the said motor vehicles at the said time and place aforesaid, Plaintiff had to apply his brakes or the brakes on the automobile he was then and there operating which caused his automobile to go into a skid and out of control and to crash into one of the motor vehicles which Defendant had just passed and as a proximate result of the negligence of the Defendant in the operation of the automobile he was then and there driving the automobile of the Plaintiff was smashed and demolished as follows:

The body of Plaintiff's automobile as smashed, broken and bent; The frame of the said automobile was broken and bent; The engine was smashed, broken and bent and knocked from its supports; The radiator was smashed beyond repair; Both headlights were broken; The right and left front fenders and hood on Plaintiff's automobile were so smashed, broken and bent as to be beyond repair; All hose connections from the radiator to the engine were broken and torn loose; The body of the said automobile was sprung and other parts of Plaintiff's automobile were broken, bent, smashed or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid.

The Plaintiff alleges that the said damages to his automobile were proximately caused by the negligence of the Defendant, Luther C. Barkley, in that he so negligently

operated the automobile he was driving at the said time and place on U. S. Highway Number 31 as to cause the Plaintiff to become involved in the accident described above and as a proximate consequence of the Defendant's negligence in the operation of the automobile he was driving at the said time and place in Baldwin County, Alabama the Plaintiff's automobile was damaged and injured as aforesaid.

Horne & Webb.
ATTORNEYS FOR PLAINTIFF.

The Plaintiff demands a jury trial of the issues involved herein.

Horne & Webb.
ATTORNEYS FOR PLAINTIFF.

Received in Sheriff's Office
this 17 day of Oct, 1952
TAYLOR WILKINS, Sheriff

NO 1876

RECORDED

Louis C. Ledkins

vs,

Luther C. Barkley

Executed this the 30 day of March

1952 by serving a copy of the within on

Luther C. Barkley

Jessie W. Ramey

Sheriff, Etowah Co., Ala.

By J. T. Cohen D. S.

FILED

OCT 17 1952

ALICE L. BUCK, Clerk

8. From ought that it appears from the complaint the acts of the Plaintiff constituted contributory negligence.

9. Said Complaint is vague, indefinite and uncertain in its allegation of facts as to what constituted negligence on the part of the Defendant.

10. Complaint does not allege any causal connection between the alleged negligence on the part of the Defendant and the injury sustained by the alleged damage of which the Plaintiff complains.

11. The allegations of the complaint that the damages to the Plaintiff's automobile were proximately caused by the Defendant is but a mere conclusion of the pleader not supported by the facts alleged.

Smith Hand Wendall L. Bedsole
Attorneys for the Defendant

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RECORDED

FILED

4-8-53.

ALICE J. DICK, Registrar

LOUIS C. LEDKINS

vs.

LUTHER C. BARKLEY

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. _____

A N S W E R

Comes now the defendant in the above styled cause and answers the plaintiff's complaint filed herein against him and, for answer, assigns the following separate and several pleas, separately and severally:

1. The defendant is not guilty.
2. At the time and place alleged in the complaint the plaintiff was himself guilty of negligence which proximately contributed to the damages complained of.
3. At the time and place alleged in the complaint the plaintiff so negligently operated his automobile as to cause the same to go into a skid and out of control and to crash into one of the motor vehicles which defendant had just passed, which negligence, on the part of the plaintiff as aforesaid, proximately contributed to the damages of which he complains.

Smith, Haul, Averball & Beddoe

Chas. E. Shaw
Attorneys for Defendant

Louis C. Ledkins,

Plaintiff,

RECORDED

vs.

LutherbC. Barkley,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

PLEAS

FILED

JUN 18 1953

ALICE J. DUCK, Clerk

Copy sent to council
by mail

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