

2298

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Percy Dale 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 Solomon Dacus, Jr.

Witness my hand, this 22nd day of June, 1954.

Deise J. White
Clerk.

SOLOMON DACUS, JR.,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
VS)	BALDWIN COUNTY, ALABAMA
PERCY DALE,)	AT LAW
Defendant.)	

C O M P L A I N T

COUNT ONE

The Plaintiff claims of the Defendant Five Thousand Dollar (\$5000.00) as damages, for that heretofore, on, to-wit: the thirteenth day of June, 1954, the Defendant was engaged in the business of running and operating a public tavern in the Town of Fairhope, Baldwin County, Alabama, for the purpose of serving the public with beverages for a reward, that on said date the Plaintiff was a customer in the Defendant's said tavern on business and the said Defendant wrongfully or unlawfully committed an assault on the Plaintiff by shooting him in the left hip with a shot gun, so that as a proximate result thereof the Plaintiff's hip was mangled, bruised and injured, he was crippled, was permanently crippled, was rendered for a long time permanently less able to work and earn money,

Received 22 day of June 1954
and on 22 day of June 1954
I served a copy of the within Complaint
on _____

By service on Percy Dale

TAYLOR WILKINS, Sheriff
By E. H. Lawrence S.

700 2 2 98

COMPLAINT

SOLOMON DACUS, JR.,
Plaintiff,

VS

PERCY DALE,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED
JUN 22 1954
ALICE J. BUCK, Clerk

JAMES R. OWEN
ATTORNEY-AT-LAW
BAY MINETTE, ALABAMA

SOLOMON DACUS, JR.,
 Plaintiff,
 VS.
 PERCY DALE,
 Defendant.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA.
 AT LAW.
 NO. 2298

ANSWER

Comes the Defendant in the above styled cause, PERCY DALE, by his Attorney, and for answer to the complaint heretofore filed in said cause and to each and every count thereof, separately and severally, says:

1. That he is not guilty.
2. For futher plea in answer to each county of the Complaint, separately and severally, defendant says that on the occasion and at the time and place alleged in the complaint, the plaintiff did assault the defendant, and said defendant fired only in defense of himself and used no more force than was reasonably necessary for that purpose, and committed no assault on the plaintiff except in self-defense; that the defendant was free from fault in bringing on the said difficulty; that said defendant was in danger of serious bodily harm from plaintiff, and thereupon the defendant attempted to repel the assault of plaintiff, using no more force than was reasonably necessary therefor, and, unless this was wrong, defendant is not guilty of the wrongs complained of.
3. For further plea in answer to each count of the complaint, separately and severally, defendant says that on the occasion and at the time and place alleged in the complaint, the plaintiff and the defendant were engaged in a difficulty; that the defendant was without fault in bringing on the difficulty; and that, acting on and under a bona fide belief that he was in danger of serious bodily harm from plaintiff, defendant attempted to repel or prevent an assault on him then being made by plaintiff, using no more force than was reasonably necessary therefor, and, unless this was wrong, defendant says that he is not guilty of the wrongs alleged.

FILED

7-19-54

ALICE J. SUCK, Clerk

Julian P. Madhury, Jr.
 Attorney for Defendant