

CLINTON BURT,
Plaintiff,
Vs.
JOHNATHAN DURANT,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.
NO. 2407

ANSWER.

Now comes JOHNATHAN DURANT, defendant in the above styled cause, and for answer to the complaint, and to each and every count thereof, separately and severally, says:

1. That he is not guilty.
2. That the plaintiff's injuries were approximately caused by the plaintiff's own negligence, in that the plaintiff negligently stepped in front of the defendant's gun just as the defendant was about to fire said gun; and that defendant was unable to stop his action, and that but for the plaintiff's own negligence defendant's shot would not have struck him.
3. For further answer to the complaint, and separately and severally each count thereof defendant says that prior to the institution of this suit and on, to-wit: the 10th day of August, 1954, the defendant and the plaintiff compromised the claim involved in and sued upon in this suit wherein and whereby the defendant agreed to pay to the plaintiff ONE HUNDRED SIXTY-EIGHT (\$168.00) DOLLARS, the amount of his Doctor's and Hospital bill; that the defendant was to pay this \$168.00 at the rate of TWENTY-FIVE (\$25.00) DOLLARS per month and that the defendant did pay to the plaintiff and he did accept \$25.00, on to-wit: the 21 day of August, 1954; wherefore, the defendant says he is not liable to the plaintiff.

Jelfair H. Marshall, Jr.
Attorney for defendant.

FILED

Nov. 4, 1954
ALICE J. DUCK, Clerk

CLINTON BURT,

Plaintiff,

vs.

JOHNATHAN DURANT,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 2407

Comes the Plaintiff in the above styled cause and demurs to Pleas 2 and 3 filed by the Defendant in said cause, separately and severally, and assigns the following separate and several grounds, viz:

1. That said Plea does not state a defense to the cause of action.
2. That Plea 2 is not a proper Plea of Contributory Negligence.
3. That Plea 2 attempts to set up the acts of the Plaintiff out of which the Defendant claims that the Plaintiff was guilty of contributory negligence but said Plea fails to allege sufficient facts to show that the Plaintiff was guilty of contributory negligence.
4. That Plea 3 is not a proper Plea of Payment.
5. That Plea 3 is not a proper Plea of Accord and Satisfaction.
6. That Plea 3 does not allege that the claim of the Plaintiff was disputed by the Defendant prior to the attempted compromise.
7. For aught that appears from Plea 3 the Defendant did not pay the Plaintiff the monthly payments set out therein on the due dates thereof.
8. That Plea 3 does not allege that the Plaintiff agreed to release the Defendant from all damages arising out of the negligence of the Defendant.

FILED

Jan. 10, 1955

ALICE L. DUCK, Clerk

Assena Stone
Attorneys for Plaintiff.

CLINTON BURT,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
JOHNATHAN DURANT,	I	AT LAW NO. _____
Defendant.	I	

DEMURRER

Comes the Plaintiff in the above styled cause and demurs to Pleas 2 and 3 filed by the Defendant in said cause, separately and severally and assigns the following separate and several grounds of demurrer, viz:

1. That said Plea does not state a defense to the cause of action.
2. That Plea 2 is not a proper plea of contributory negligence.
3. That Plea 2 fails to set out sufficient facts of contributory negligence on the part of the Plaintiff.
4. That Plea 2 is vague and indefinite.
5. That Plea 2 fails to allege that Plaintiff's negligence occurred at the time and place of the injury.
6. That Plea 3 is not a proper plea of payment.
7. That it is affirmatively shown by Plea 3 that the Defendant has not complied with his alleged agreement with the Plaintiff.
8. That Plea 3 does not allege that the Plaintiff has released the Defendant from liability.
9. That Plea 3 is vague and indefinite.
10. That the allegation that the parties compromised the agreement is but a conclusion of the pleader and does not state the terms and conditions of their said agreement.


Attorneys for Plaintiff.

FILED
MAY 8, 1954
MARGIE L. DUCK, Clerk

CLINTON BURT,

Plaintiff,

VS.

JOHNATHAN DURANT,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

NO. _____

ANSWER.

Now comes JOHNATHAN DURANT, defendant in the above styled cause, and for answer to the complaint, and to each and every count thereof, separately and severally, says:

1. That he is not guilty.
2. That the plaintiff's injuries were proximately caused by the plaintiff's own negligence, in that the plaintiff negligently stepped in front of the defendant's gun just as the defendant was about to fire said gun; and that defendant was unable to stop his action, and that, but for the plaintiff's own negligence at that time and place, defendant's shot would not have struck him.
3. For further answer to the complaint, and to each count thereof, separately and severally, defendant says that prior to the institution of this suit and on, to-wit: the 10th day of August, 1954, the defendant and the plaintiff compromised the claim involved in and sued upon in this suit wherein and whereby the defendant agreed to pay to the plaintiff, and the plaintiff agreed to accept in full settlement, ONE HUNDRED SIXTY-EIGHT (\$168.00) Dollars, the amount of his Doctor's and Hospital bill; that the defendant was to pay this \$168.00 at the rate of TWENTY-FIVE (\$25.00) Dollars per month and that the defendant did pay to the plaintiff and he did accept \$25.00, on to-wit: the 21 day of August, 1954; wherefore, the defendant says he is not liable to the plaintiff.

FILED

Julian J. Mallory, Jr.
Attorney for defendant.

12-21-54
ALICE J. DUCK, Clerk

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Johnathan Durant 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 same, then and there to answer the complaint of Clinton Burt.

Witness my hand this 12 day of October, 1954.

Alice J. Duck
Clerk.

CLINTON BURT,

Plaintiff,

vs.

JOHNATHAN DURANT,

Defendant.

I

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

COUNT ONE:

Plaintiff claims of the Defendant the sum of Five Thousand Dollars (\$5,000.00) as damages for that on, to-wit, August 5, 1954, at about 11:30 o'clock p.m. the Defendant negligently shot the Plaintiff in his left arm with a shotgun, while the Plaintiff and the Defendant were near Whitehouse Fork in Baldwin County, Alabama, and as a proximate result of the negligence of such Defendant the Plaintiff was injured in this: his left arm in, above and below his elbow was seriously injured, he was caused to suffer severe pain and mental anguish, he has been unable to work from that date to the present time and he has been caused to incur large medical and hospital expenses, all to the damage of the Plaintiff in the sum aforesaid, hence this suit.

Sharon Stone
Attorneys for Plaintiff.

Plaintiff demands a trial of this cause by a jury.

Sharon Stone
Attorneys for Plaintiff.

FILED

10-12-54

ALICE J. DUCK, Clerk

MD 2407

Received 15 day of Oct. 1954
at day of Oct. 1954
and a copy of the within etc.
By service on Jonathan Durant
TAYLOR WILKINS, Sheriff
D.S. By [Signature]

SUMMONS AND COMPLAINT

CLINTON BURT,
Plaintiff,
vs.
JOHNATHAN DURANT,
Defendant.

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

Filed this 12 day of October, 1954.

Alvin J. Chason
Clerk.

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA