

ALVIN W. CLARK,

Plaintiff,

VS.

T. O. BRYARS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2701

REPLICATION

Now comes the Plaintiff in the above styled cause and for replication to Defendant's Pleas 2, 3, 4 and 5 joins issue thereon.

*Wm. R. O.*

*Wm. R. O.*  
Attorneys for Plaintiff.

ALVIN W. CLARK,

Plaintiff,

-vs-

T. O. BRYARS,

Defendant.

)  
( IN THE CIRCUIT COURT

)  
( OF BALDWIN COUNTY,

)  
( ALABAMA.

)  
( AT LAW.

)  
( CASE NO. 2701

Comes now the Plaintiff in the above entitled cause and amends his complaint heretofore filed herein, to read as follows:

Plaintiff claims of the Defendant the sum of Five Hundred (\$500.00) Dollars as damages, in this that heretofore on to-wit: the 31st day of August, 1954, the Defendant so negligently operated a motor vehicle eastwardly into Busbee Fishing Camp Road, a public road in Baldwin County, Alabama, at a point approximately one-fourth mile north of its intersection with U. S. Highway 31, as to cause or allow ~~said motor vehicle to collide with or run against~~ the automobile of the Plaintiff which was then being driven in a northerly direction on said Busbee's Fishing Camp Road, and as a proximate consequence thereof, Plaintiff's automobile was badly bent, broken and damaged, all to the injury of the Plaintiff, hence this suit.

  
ATTORNEYS FOR PLAINTIFF

ALVIN W. CLARK,  
PLAINTIFF,  
VS  
T.O. BRYARS,  
DEFENDANT.

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
ALABAMA,  
AT LAW  
CASE NO. 2701

PLEA

Comes now the Defendant in the above styled cause and for plea to the Plaintiff's Complaint as last amended says as follows:

1. Not Guilty
2. The Defendant alleges that at the time and place complained of the Plaintiff himself was guilty of contributory negligence which was the proximate cause of the damages complained of, in that Plaintiff so negligently operated his motor vehicle as to cause or allow said motor vehicle to collide with or run into, over, or against the car belonging to the Defendant.
3. The Defendant claims of the Plaintiff the sum of \$1,000 as damages, by way of set off and recoupment and Defendant alleges that on, to-wit August 31, 1954, Plaintiff so negligently operated a motor vehicle Northwardly on the Busbee Fishing Camp Road, a public road in Baldwin County, Alabama, at a point approximately one-fourth mile North of its intersection with the U.S. Highway 31, as to cause or allow said motor vehicle to collide with or run against the motor vehicle belonging to the Defendant which was then and there being operated on Busbee's Fishing Camp Road, a public road, and as a proximate consequence thereof Defendant's automobile was bent, broken and damaged, all to the injury of the Plaintiff, hence this suit.
4. The Defendant claims of the Plaintiff the sum of \$1,000 as damages, by way of set off and Defendant alleges that on, to-wit August 31, 1954, Plaintiff so negligently operated a motor vehicle Northwardly on the Busbee Fishing Camp Road, a public road in Baldwin County, Alabama, at a point approximately one-fourth mile North of its intersection with the U.S. Highway 31, as to cause or allow said motor vehicle to collide with or un against the motor vehicle belonging to the Defendant which was then and there being operated on Busbee's Fishing Camp Road, a public road, as a proximate consequence thereof Defendant's automobiell was bent, broken and damaged, all to the injury of the Plaintiff, hence this suit.

5. The Defendant claims of the Plaintiff the sum of \$1,000 as damages, by way of recoupment and Defendant alleges that on, to-wit August 31, 1954, Plaintiff so negligently operated a motor vehicle Northwardly on the Busbee's Fishing Camp Road, a public road in Baldwin County, Alabama, at a point approximately one-fourth mile North of its intersection with the U.S. Highway 31, as to cause or allow said motor vehicle to collide with or run against the motor vehicle belonging to the Defendant which was then and there being operated on Busbee's Fishing Camp Road, a public road, and as a proximate consequence thereof Defendant's automobile was bent, broken and damaged, all to the injury of the Plaintiff, hence this suit.

*Wilson Hays*  
ATTORNEY FOR THE DEFENDANT

DEFENDANT.

CASE NO.

DEMURRER

Comes now the Defendant in the above styled cause, by his attorney, and demurs to the complaint heretofore filed against him and to each count thereof seperately and severally, and assigns the following seperate and several grounds in support thereof;

1. The complaint fails to state a cause of action.
2. The allegations of the complaint are vague, indefinite and uncertain.
3. The place of the alleged accident is not shown with sufficient certainty.

Wilbur Hayden  
ATTORNEY FOR THE DEFENDANT

ALVIN W. CLARK,  
Plaintiff,  
-vs-  
T. O. BRYARS,  
Defendant.

)  
( IN THE CIRCUIT COURT  
(  
( OF BALDWIN COUNTY,  
(  
( ALABAMA.  
(  
( AT LAW.  
(  
( CASE NO. \_\_\_\_\_

COUNT ONE

Plaintiff claims of the Defendant the sum of Five Hundred (\$500.00) Dollars as damages, in this that heretofore on to-wit: the 31st day of August, 1954, the Defendant so negligently operated a motor vehicle eastwardly into Busbee Fishing Camp Road, a public road in Baldwin County, Alabama, as to cause or allow said motor vehicle to collide with or run against the automobile of the Plaintiff which was then being driven in a northerly direction on said Buzbee Fishing Camp Road, and as a proximate consequence thereof, Plaintiff's automobile was badly bent, broken and damaged, all to the injury of the Plaintiff, hence this suit.

  
ATTORNEYS FOR PLAINTIFF

STATE OF ALABAMA )  
(  
COUNTY OF BALDWIN )

C I R C U I T      C O U R T

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon T. O. Bryars to appear within thirty days from service of this process in the Circuit Court of Baldwin County, Alabama, at the place of holding same, then and there to answer the complaint of Alvin W. Clark.

Witness: Alice J. Duck, Clerk of said Court, this 16  
day of Aug, 1955.

Attest: Alice J. Duck  
CLERK.

\* \* \* \* \*

~~SHERIFF'S RETURN~~

~~Received \_\_\_\_\_ day of \_\_\_\_\_, 1955, and on the  
\_\_\_\_\_ day of \_\_\_\_\_, 1955, I served a copy of the within  
complaint on T. O. Bryars by service on \_\_\_\_\_.~~

\_\_\_\_\_  
SHERIFF

GORDON & JANSEN  
ATTORNEYS AT LAW  
1607-1610 MERCHANTS NATIONAL BANK BUILDING  
MOBILE II, ALABAMA

A. FLETCHER GORDON  
VERNOL R. JANSEN, JR.

August 15, 1955

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

Dear Mrs. Duck:

We enclose herewith original and copy of summons and complaint which we wish to file in your court.

Please acknowledge receipt of the complaint and advise us when service of process has been accomplished on the defendant.

Very truly yours,

GORDON & JANSEN

BY: 

VRJjr/1/2 jrb  
Encls.