

2897

S U M M O N S

STATE OF ALABAMA: TO ANY SHERIFF OF THE STATE OF ALABAMA:
BALDWIN COUNTY :

You are hereby commanded to summon JAMES A. KEITH to appear
within thirty days from the service of this writ in the Circuit Court
and there to answer the Complaint of MARGARET N. GASTON and C. A. GASTON.

Witness my hand this 6 day of April, 1956.

Reverend
Register

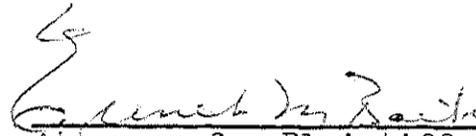
MARGARET N. GASTON and : IN THE CIRCUIT COURT OF
C. A. GASTON :
Plaintiffs : BALDWIN COUNTY, ALABAMA
vs. : AT LAW
JAMES A. KEITH, : NO. _____
Defendant :

C O U N T O N E

Plaintiffs claim of the Defendant the sum of Six Hundred Dollars (\$600.00) as damages for that heretofore on, to-wit: October 10, 1955 the Plaintiffs were driving their 1949 Studebaker auto upon Fairhope Avenue, in the city of Fairhope, Alabama, a public road in Baldwin County, Alabama, at a point where Mershon Street in the city of Fairhope, Alabama intersects with Fairhope Avenue, where they had a right to be, and then and there the Defendant so negligently operated his automobile which he was then and there driving, that by reason thereof and as a proximate result and consequence thereof, the said two vehicles collided, causing great damages and injuries to the Plaintiffs' automobile; the body was damaged and broken, the frame was bent and twisted, the bumper guards were broken, the fenders were broken and bent, the frame was badly bent; the muffler and exhaust pipe were

ruined, all to the damage of the Plaintiffs as aforesaid.

And Plaintiffs aver that all their damages aforesaid were proximately caused by the negligence of the Defendant, in that he negligently caused, allowed or permitted his said automobile to run upon, over or against the automobile of the Plaintiffs; wherefore they sue.


Ernest M. Raithe
Attorney for Plaintiffs

SUMMONS AND
BILL OF COMPLAINT

Received 6 day of April 1956
d on 9 day of April 1956
served a copy of the within BAC

James A. Keith
service on _____

TAYLOR WILKINS, Sheriff
By Carlisle Childers, S.

Barnwell,

Sheriff claims 100 miles at
Ten Cents per mile Total \$ 10.00
TAYLOR WILKINS, Sheriff
BY Childers
DEPUTY SHERIFF

MARGARET N. GASTON and
C. A. GASTON,
Plaintiffs

vs.

JAMES A. KEITH,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Case No. _____

Defendant lives at
Barnwell

ERNEST M. BAILEY
ATTORNEY AT LAW
FAIRHOPE, ALABAMA

ALICE J. DICK, Clerk

FILED
APR 6 1956

MARGARET N. GASTON and
C. A. GASTON

Plaintiffs

VS.

JAMES A. KEITH,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. 3763

Comes the Defendant in the above styled cause and demurs to the Bill of Complaint heretofore filed therein, and as grounds for demurrer sets out separately and severally the following:

1. That the Complaint is vague and indefinite.
2. That the Complaint does not state the cause of action.
3. The Complaint does not show actionable negligence by the Defendant.
4. The Complaint does not set out the driver of the automobile of the Plaintiff.
5. The Complaint does not sufficiently set out the ownership of the automobile.



 Attorney for Defendant

Defendant demands a trial by Jury.

MARGARET N. GASTON,
Plaintiff,

-vs-

JAMES A. KEITH,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
Case No. 3763

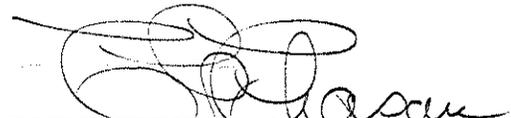
MOTION TO STRIKE

Comes the Defendant in the above styled cause and moves that the amended Complaint filed therein be stricken and as grounds for said motion to strike shows unto the Court, separately and severally, the following:-

1. That said amended Complaint is irrelevant.
2. That said amended Complaint is frivolous.
3. That said amended Complaint is unnecessairly prolix.
4. That the irrelevant material contained in said Complaint would tend to prejudice the cause of the Defendant in that it could be considered to indicate that the Court approved the form and contents of the amended Complaint.
5. That the amended Complaint is irrelevant in that no leave of the Court to amend was necessary and none therefor granted.
6. That the amended Complaint is irrelevant in tha t it contains the style of the cause as originally filed before amendment.
7. That the amended Complaint is prolix in that it contains the style of the cause as originally filed before amendment.

FILED
JUN 19 1956

ALICE J. DUCK, Clerk


Attorney for Defendant

MARGARET N. GASTON and	:	IN THE CIRCUIT COURT OF
C. A. GASTON,	:	BALDWIN COUNTY, ALABAMA
Plaintiffs	:	AT LAW
vs.	:	3763.
JAMES A. KEITH,	:	
Defendant	:	

A M E N D E D C O M P L A I N T

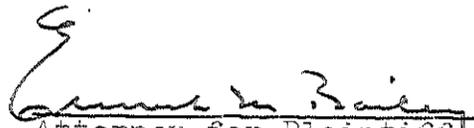
Comes the Plaintiff, by and through her attorney, and with leave of the Court first had and obtained, makes this ammendment to the Bill of Complaint to read as follows:

MARGARET N. GASTON,	:	IN THE CIRCCIT COURT OF
Plaintiff	:	BALDWIN COUNTY, ALABAMA
vs.	:	AT LAW
	:	Case No. 3763
JAMES A. KEITH,	:	
Defendant	:	

C O U N T O N E

Plaintiff claims of the Defendant the sum of Six Hundred Dollars (\$600.00) as damages for that heretofore on, to-wit, October 10, 1955 the Plaintiff was driving her automobile, a 1949 Studebaker, upon Fairhope Avenue, in the city of Fairhope, Alabama, a public road in Baldwin County, Alabama, at a point where Mershon Street in the city of Fairhope, Alabama, intersects with Fairhope Avenue, where she had a right to be, and then and there the Defendant so negligently operated his automobile which he was then and there driving, that by reason thereof and as a proximate result and consequence thereof, the said two vehicles collided, causing great damages and injuries to the Plaintiff's automobile; the body was damaged and broken, the frame was bent and twisted, the bumper guards were broken, the fenders were broken and bend, the frame was badly bent; the muffler and exhaust pipe were ruined, all to the damage of the Plaintiff as aforesaid.

And Plaintiff avers that all her damages aforesaid were proximately caused by the negligence of the Defendant, in that he negligently caused, allowed or permitted his said automobile to run upon, over or against the automobile of the Plaintiff, wherefore she sues.


Attorney for Plaintiff

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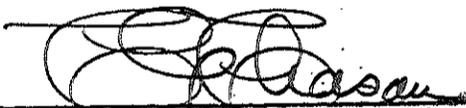
MARGARET N. GASTON,
Plaintiff,
-vs-
JAMES A. KEITH,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
Case No. 3763

Comes the Defendant and in answer to the Amended Bill of Complaint heretofore filed in said cause, shows as follows:-

1. Not guilty.

2. For further answer to said Complaint, defendant says that Plaintiff ought not to recover in this case for that on the occasion complained of Plaintiff was herself guilty of negligence, proximately contributing to her alleged damages in this, that the Plaintiff was operating her said automobile along Mershon Street, and drove and operated said automobile into the intersection of Fairhope Avenue, and immediately in front of the automobile being driven by the Defendant, at which time and place the Defendant had the right-of-way, thereby proximately contributing to her damages, hence Plaintiff ought not to recover.


Attorney for the Defendant

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

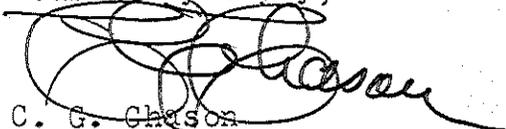
4 May, 1956

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

Dear Mrs. Duck:

Enclosed herewith is a demurrer in the case of
Gaston vs Keith, Case No. 3763, a copy of which
is this day being mailed to Ernest Bailey, Attor-
ney for the Plaintiff.

Yours very truly,


C. G. Chason

CGC:dc

Encl. 1

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

September 4, 1956

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

Dear Mrs. Duck:

Enclosed herewith is Answer in the case of Gaston -vs-
Keith, a copy of which has been mailed to Mr. Bailey.

Yours very truly,



C. G. Chason

CGC:fm

encls. 1