

3676


CALVIN PEAVY,		
Plaintiff,		IN THE CIRCUIT COURT OF
-VS-		
JAMES MILTON SMITH,		BALDWIN COUNTY, ALABAMA,
Defendant.		AT LAW.

DEMURRER

Comes the Defendant in the above styled cause and offers the following grounds of demurrer to the Plaintiff's complaint:

- I. That said complaint does not state a cause of action.
- II. That said complaint does not show where the injuries occurred.

*Filed*  
*11-14-59*

  
E. G. RICKABY,  
Attorney for Plaintiff.

LAW OFFICES  
E. G. RICKARBY  
392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA

June 23, 1959.

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

Dear Mrs. Duck:

Re: Peavy vs. Smith  
Our File 4597

Enclosed find Pleas in the above mentioned  
case.

Yours very truly,



R/el

Encl.

cc Mr. James Brice,  
Attorney at Law,  
Foley, Alabama.  
copy of Plea

cc Mr. Thomas F. Parker  
201 Clayton St.,  
Montgomery, Ala.

CALVIN PEAVY,

Plaintiff,

- VS -

JAMES MILTON SMITH,

Defendant.


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

P L E A S

Comes the defendant in the above styled cause and offers the following separate and several pleas:

1. The defendant for answer to the complaint says that he is not guilty of the matters alleged therein.
2. The defendant avers that the allegations of the complaint are untrue.
3. General Issue.
4. That if the plaintiff was injured in the manner stated in said complaint, said injuries were the result of the plaintiff's own negligence and carelessness, in whole or in part, in making a left turn without giving a hand signal.

*Filed*  
*0-22-59*

  
E. G. RICKABY,  
Attorney for Defendant.

CALVIN PEAVY,  
Plaintiff -

vs -

JAMES MILTON SMITH,  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

This day came the Plaintiff by attorney and by leave of the Court first had and obtained amends the complaint heretofore filed in the above stated cause in count one to read as follows:

CALVIN PEAVY,  
Plaintiff -

vs -

JAMES MILTON SMITH,  
Defendant .

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

I.

Plaintiff claims of the defendant the sum of THREE HUNDRED and 00/100 (\$300.00) DOLLARS as damages for that heretofore on, to-wit, the 20th day of October, 1957, defendant so negligently operated a motor vehicle eastwardly on Highway 31, a public highway in Baldwin County, Alabama, so as to cause or allow said vehicle to collide with the vehicle belonging to plaintiff at a point 10.8 miles East of the city limits of Mobile, Alabama on said Highway Number 31 approximately 100 feet South of the Kenny Flucker home, which said vehicle was then and there proceeding in an eastwardly direction on said Highway 31 at said time and place, and as a direct and proximate result of the negligence of the defendant as aforesaid, plaintiff's automobile was badly broken, bent, and damaged, and plaintiff was caused to lose the use of his automobile for a long period of time, all to plaintiff's injuries, hence this suit.

  
ATTORNEYS FOR PLAINTIFF

*Copy mailed  
to E. G. Rickaby, Esq.*

*J. A. Rabin*

FILED

JUN 11 1959

ALICE J. DUCK, CLERK  
REGISTER

JAMES A. BRICE

ATTORNEY AT LAW

FOLEY, ALABAMA

May 29, 1959

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WHITEHALL 3-3601

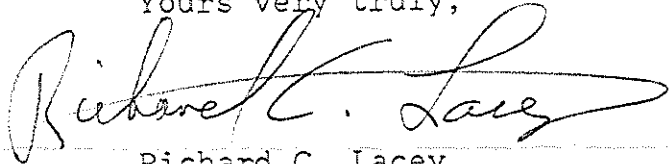
Mrs. Alice Duck  
Circuit Clerk  
Bay Minette, Alabama

Re: Calvin Peavy  
Vs: Milton Smith

Dear Mrs. Duck:

Please send me the Peavy-Smith file. Enclose card and  
I will sign for receipt of same and return card to you.

Yours very truly,

A handwritten signature in cursive script, reading "Richard C. Lacey". The signature is fluid and extends across the width of the text area.

Richard C. Lacey

RCL/cc

LAW OFFICES  
**E. G. RICKARBY**  
BANK BUILDING  
FAIRHOPE, ALABAMA

November 13, 1958

Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Inre: Calvin Peavy  
Vs: James Milton Smith  
Our File: 4597

Enclosed find demurrers. Please file in the above  
mentioned cause, and oblige.

Yours very truly,



EGR/ts

Encl.

cc: Messrs. Howell & Johnston  
1st National Bank Bldg.  
Mobile, Alabama

cc: (dup) Mr. Parker