

LEE HOLLEY, JR.,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
Vs.)	
	)	AT LAW
JOSEPH CLYDE BASS,)	
	)	CASE NO. 4851
Defendant.)	

COMES NOW the defendant in the above-styled cause and for answer to the plaintiff's complaint, says as follows, separately and severally:

1. Not guilty.
2. The allegations are untrue.

3. The defendant says that at the time and place complained of the plaintiff himself was guilty of negligence which proximately contributed to his alleged injuries and damages in that at said time and said place, the plaintiff so negligently operated a motor vehicle so as to cause or allow the same to collide with the motor vehicle which was then and there being operated by the defendant, WHEREFORE, the defendant says the plaintiff ought not to have and recover of him.

4. The defendant further says that at the time and place complained of, the plaintiff so negligently operated a motor vehicle within the corporate limits of the town of Silverhill, Alabama, at a point where Alabama Highway # 104 intersects County Road # 55, both of which said roads and highways are public roads and highways in Baldwin County, State of Alabama, as to cause or allow the said motor vehicle to run into, upon or against the motor vehicle which the defendant was then and there operating, and as a direct and proximate result and consequence thereof, the

plaintiff was caused to suffer serious bodily injuries, incurred bruises in and about his body, right arm and shoulder, was caused to lose time from work, incurred expenses for care and treatment of his injuries, and his wife and minor child received bodily injuries while riding as passengers in said automobile being operated by the said defendant at the time and place complained of, and he has incurred expenses for the care and treatment of his wife and minor child, the defendant's motor vehicle was badly bent, broken, damaged, scraped and he was deprived of the use of his motor vehicle for a long period of time, which said motor vehicle he used in his business, trade and occupation, all as a direct and proximate consequence of the negligence of the plaintiff as aforesaid, WHEREFORE, Joseph C. Bass claims judgment against Lee Holley, Jr., by way of recoupment in the sum of Five Thousand and no/100 (\$5,000.00) Dollars.

LYONS, PIPES & COOK
Attorneys for the Defendant.

By: Frank T. Pope, Jr.
Frank T. Pope, Jr.

Defendant respectfully demands a trial by jury.

Frank T. Pope, Jr.
Frank T. Pope, Jr.

Plaintiff's attorney's address:

Hon. Harry J. Wilters, Jr.
Wilters & Brantley
P. O. Box 327, Bay Minette, Alabama.

Plaintiff's address:

72 Avenue B
Prichard, Alabama

Employed by:
Stokely Auto Service
409 N. Craft Highway
Prichard, Alabama.

FILED

NOV 27 1961

ALICE L. DUCK, CLERK

4851

Lee Hally Jr

vs

Joseph Clyde Bass

Ans. and Plea of Recompent

To be served on
Hon. Harry Walker

Received 27 day of April 1941
and on 29 day of May 1941
I served a copy of the within last file
on Harry Walker

By service on Robert Brumby

TAYLOR WILKINS, Sheriff

By W. A. Phillips

6 me

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Joseph Clyde Bass,
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 Lee Holley, Jr.

Witness my hand, this 1st day of Sept., 1961.

Alice J. Luck
Clerk

LEE HOLLEY, JR.,

Plaintiff,

Vs.

JOSEPH CLYDE BASS,

Defendant.

X

X

X

X

X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

4851

The Plaintiff claims of the Defendant the sum of \$500.00 as damages for that on, to-wit, the 19th day of March, 1961, the Plaintiff was lawfully operating his motor vehicle upon a public highway in Baldwin County, Alabama, within the corporate limits of the Town of Silverhill, Alabama, at a point where Alabama Highway #104 intersects County Road #55, and that then and there the Defendant, Joseph Clyde Bass, negligently did run the motor vehicle he was driving into the motor vehicle of the Plaintiff, and as a direct approximate consequence and result of said negligence, the Plaintiff's motor vehicle was damaged and broken; The left side of the vehicle was bent, scraped and broken; That the Plaintiff was deprived of the use of his motor vehicle for a long period of time, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff avers that his said motor vehicle was used in his business, trade and occupation.

WILTERS & BRANTLEY

BY: 

Attorney for the Plaintiff

The Plaintiff demands a trial by jury.

WILTERS & BRANTLEY

BY: 

Attorney for the Plaintiff

Defendant's address:
Fairhope, Alabama

FILED

SEP 1 1961

ALICE J. DUCK, CLERK
REGISTER

4851

LEE HOLLEY, JR.,

Plaintiff

vs:

JOSEPH CLYDE BASS,

Defendant.

I hope
431 white ans

WILTERS & BRANLEY
Attorneys at Law

FILED

SEP 1 1961

ALICE J. DUCK, CLERK
REGISTER

We the jury find for
the defendant.
S. C. McDaniel
W. man

(see given charge)

Sheriff claims 70 miles at

Two Cents per mile Total \$ 1.40

TAYLOR WILKINS, Sheriff

BY *Dennis*
DEPUTY SHERIFF

Received 1 day of Sept 1961
and on 20 day of Sept 1961
I served a copy of the within
on *Joseph Clyde Bass*
By service of *Joseph Clyde Bass*
TAYLOR WILKINS, Sheriff
By *W. C. McDaniel* D.S.
I hope

220
1.40
1.40

LEE HOLLEY, JR.,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
Vs)	
JOSEPH CLYDE BASS,	)	AT LAW
Defendant.	)	CASE NO _____

Comes now the defendant, and demurs to the plaintiff's complaint and to each count thereof, and as grounds for said demurrer sets down and assigns the following separately and severally:

1. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.
2. Said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff.
3. For aught that appears from said count, the accident did not occur on a public street.
4. For aught that appears from said count, the plaintiff was not at a place where he had a legal right to be at the time and place complained of.
5. For aught that appears from said count, the damages suffered by the plaintiff were not the proximate result of any act or failure to act on the part of the defendant.
6. For that said count fails to allege any casual connection between the alleged negligence of the defendant and the alleged damages of the plaintiff.

LYONS, PIPES AND COOK
Attorneys for Defendant

By 
Walter M. Cook

FILED

SEP 25 1961

ALICE J. DUCK, CLERK
REGISTER

LEE HOLLEY, JR.,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
Vs.)	
	)	AT LAW
JOSEPH CLYDE BASS,)	
Defendant.	)	Case No. 4851

COMES NOW the defendant in the above-styled cause and
for answer to the plaintiff's replication says as follows:

1. That he is not guilty of the matters alleged therein.

LYONS, PIPES & COOK
Attorneys for Defendant.

By: Frank T. Pope, Jr.
Frank T. Pope, Jr.

Filed
3-15-62
Alice J. Aune
clerk

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS (1900-1957)

SAM W. PIPES, III

WALTER M. COOK

FRANK T. POPE, JR.

GORDON B. KAHN

IRWIN W. COLEMAN, JR.

September 25, 1961

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

Re: Lee Holley, Jr. vs Joseph Clyde Bass
In the Circuit Court of Baldwin County, Ala.

Dear Mrs. Duck:

Enclosed please find demurrers to be filed in this case.
We will appreciate your acknowledging same on the enclosed
copy and returning it to us in the enclosed self-addressed
stamped envelope.

Yours truly,

LYONS, PIPES AND COOK



Walter M. Cook

WMC/a

encl

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH M. LYONS (1900-1957)

SAM W. PIPES, III

WALTER M. COOK

FRANK T. POPE, JR.

GORDON B. KAHN

IRWIN W. COLEMAN, JR.

November 24, 1961

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

Re: Lee Holley, Jr. v. Joseph Clyde Bass
Circuit Court of Baldwin County, Alabama, No. 4851.

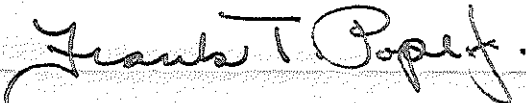
Dear Mrs. Duck:

Enclosed please find answer and plea of recoupment to be filed
in the above case.

It would be appreciated if you would forward copy of the same
to the Sheriff for service upon Mr. Harry J. Wilters, attorney
for plaintiff in Bay Minette, Alabama, in accordance with the
provisions of Title 7, Sec. 359 of the Code of Alabama.

Very truly yours,

LYONS, PIPES & COOK



Frank T. Pope, Jr.

FTP/bb

Encl.

LEE HOLLEY, JR.,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

Vs.

X

BALDWIN COUNTY, ALABAMA

JOSEPH CLYDE BASS,

X

AT LAW

Defendant.

X

CASE NO. 4851

Comes now the Plaintiff in the above styled cause and files his answer to the Plaintiff's plea or Count No. 4 and says:

1.

That he is not guilty of the matters alleged therein.

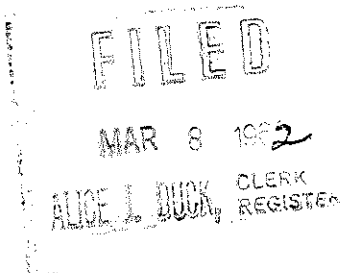
2.

The Plaintiff says that at the time and place complained of, the Defendant himself was guilty of negligence which proximate contributed to his alleged injuries and damages, and that at said time and place, the Defendant so negligently operated a motor vehicle so as to cause or allow the same to collide with the motor vehicle which was then and there operated by the Plaintiff. Wherefore the Plaintiff says that the Defendant ought not to have and recover of him.

WILTERS & BRANTLEY

BY: 

Attorney for the Plaintiff



7M4851 See Holly
JURY LIST - SPRING SESSION - MARCH 12, 1962

- ~~1. Christnacht, Leroy, Civil Service, Lillian~~
- ~~2. Cabaniss, Ray, Newport, Bay Minette~~
- ~~3. Byrd, Carl, Civil Service, Stapleton~~
- ~~4. Bryars, Rudolph M., Brookley Field, Bay Minette~~
- ~~5. Bryhn, Vernon A., Farmer, Elberta~~
- ~~6. Beasley, Wilson C., Merchant, Bay Minette~~
- ~~7. Bishop, Clarence, Farmer, Fairhope~~
- ~~8. Bloxham, Walter, Farmer, Fairhope~~
- ~~9. Brock, L.B., Farmer, Robertsedale~~
- ~~10. Gilbert, B.B., Mechanic, Bay Minette~~
- ~~11. Good, Joe, Farmer, Elberta~~
- ~~12. Crook, Prince, Laborer, Bay Minette~~
- ~~13. Guenther, Paul O., Civil Service, Foley~~
- ~~14. Gullledge, Carl, REA, Robertsedale~~
- ~~15. Akers, Redus M., Insurance, Bay Minette~~
- ~~16. Martin, Albert D., Newspaper, Bay Minette~~
- ~~17. Coleman, John E., Farmer, Bay Minette~~
- ~~18. Corley, Herace, W., Brookley Field, Bay Minette~~
- ~~19. Epperson, Edwin, Civil Service, Foley~~
- ~~20. Erdmann, Rudolph C., Plumber, Mag. Spgs.~~
- ~~21. Fell, Russell, Civil Service, Lillian~~
- ~~22. Hill, Robert, Merchant, Loxley~~
- ~~23. Jaye, James J., Farmer, Rabon~~
- ~~24. Jordan, Green, Merchant, Bay Minette~~
- ~~25. Kane, James, Farmer, Loxley~~
- ~~26. Keenan, Ruben A., Oil Dealer, Robertsedale~~
- ~~27. Keuler, Albert, Salesman, Loxley~~
- ~~28. King, Horace, E., Farmer, Mag. Spgs.~~
- ~~29. King, Vernon, Farmer, Robertsedale~~
- ~~30. Stucki, Alfred, Locker Plant Mgr., Elberta~~
- ~~31. Styron, Irby L., Plant Formsh, Robertsedale~~
- ~~32. Moorer, Douglas, Clark, Bay Minette~~
- ~~33. Moyer, Roy, Druggist, Fairhope~~
- ~~34. Nelson, J.L., Jr., Laborer, Fairhope~~
- ~~35. Nelson, Harry, Post Office, Bay Minette~~
- ~~36. Milton, Ovdrecka, Farmer, Robertsedale~~
- ~~37. Palmer, James J., Farmer, Robertsedale~~
- ~~38. Rhodes, Elbert M., Farmer, Summerdale~~
- ~~39. Roberts, Raymond C., Farmer, Foley~~
- ~~40. Roley, Charlie N., Farmer, Perdido~~
- ~~41. Schrieber, Bill, Carpenter, Foley~~
- ~~42. Stephens, Ray, Banker, Bay Minette~~
- ~~43. Seibert, Fred, Jr., Farmer, Elberta~~
- ~~44. Stewart, Frank, State Emp., Gulf Shores~~
- ~~45. Stuart, Derrill, Contractor, Bay Minette~~
- ~~46. Lamberth, Jack Ogal, Farmer, Bay Minette~~
- ~~47. Strickland, Marvin, Laborer, Bay Minette~~
- ~~48. McDaniel, Schuler, Farmer, Robertsedale~~
- ~~49. Corte, Albert, Farmer, Belforest~~

P XXXXX XXXXX XXXXX X
D XXXXX XXXXX XXXXX X