

980

LESLIE E. DRISKELL

PLAINTIFF

VS

WILLARD BARGAINIER

DEFENDANT

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

The Plaintiff claims of the Defendant ONE THOUSAND (\$1000.00) DOLLARS, as damages for that heretofore on to-wit: December 22, 1945, the Plaintiff was operating his automobile pick up truck along Highway # 3, within town limit of Robertsedale, Baldwin County, Alabama, at about 7 P. M.; that at said time and place the Defendant negligently drove or ran an automobile into or against the automobile pick up truck of the Plaintiff and as a proximate result thereof the pick up truck of the Plaintiff was totally demolished.

The Plaintiff alleges that his damages were the proximate result of the negligence of the Defendant in running or driving the said automobile, into or against the pick up truck of the Plaintiff.

BEEBE & HALL

BY: Thurston  
Attorneys for the Plaintiff

The Plaintiff demands a trial by jury.

980 Recorded

Original

Leslie E. Driskell

Plaintiff

vs

Willard Bargainier

Defendant

Executed this 2nd  
day of August 1946  
by leaving a copy of  
the within writ with

Willard Bargainier

C. E. Garrett Sheriff

W. D. Duckworth, Jr.

We the jury find for  
the defendant and  
assess no damages

J. A. Quinn  
Foreman

Filed July 30 1946  
R. H. Duck  
Clerk

Robert Duck

LESLIE E. DRISKELL,  
Plaintiff

vs.

WILLARD BARGAINIER,  
Defendant.

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

Comes the Defendant in the above styled cause, and  
for Plea to the Complaint filed in said cause, says:-

ONE:

Not guilty.

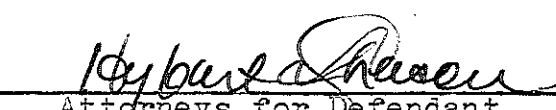
TWO:

That the Plaintiff, at the time and place complained  
of, was himself guilty of negligence which proximately contributed  
to his alleged injuries and damages.

Counter Claim

THIRD:

The Defendant, Willard Bargainier, pleads specially  
by way of recoupment and claims of the Plaintiff the sum of \$1200.00,  
as damages, for that, at the time and place complained of in the  
Complaint, the Defendant Willard Bargainier, was then and there  
driving an automobile along highway No. 3, within the town limit of the  
Town of Robertsedale in Baldwin County, Alabama, just south of the  
caution sign, at about seven o'clock P. M., where he had a right to  
be, at which time and place the Plaintiff negligently drove an  
automobile pick-up truck into or against the automobile belonging  
to the Defendant and which he was then and there driving, thereby  
damaging the front and left side of said automobile, in the sum  
above claimed and he brings this counter-claim against the Plaintiff  
and asks judgment for the above amount; the Defendant further avers  
that the negligence of the Plaintiff in and about the operation of  
his automobile pick-up truck as aforesaid was the proximate cause  
of the injuries and damages to the automobile of the Defendant.

  
Attorneys for Defendant

PLEAS

*Recorded*

LESLIE E. DRISKELL,

Plaintiff

vs.

WILLARD BARGAINIER,

Defendant.

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

Filed October 2, 1946.

*R.S. Duck*  
CLERK

*By Alice J. Duck*  
D.C.

LAW OFFICES  
HYBART & CHASON  
Bay Minette, Alabama

LESLIE E. DRISKELL ) IN THE CIRCUIT COURT OF  
 PLAINTIFF ) BALDWIN COUNTY, ALABAMA  
 VS ) AT LAW  
 WILLARD BARGAINTER )  
 DEFENDANT )

Comes the Defendant in the above styled cause and demurs to the complaint filed in said cause and assigns the following separate and several grounds, viz:-

FIRST:

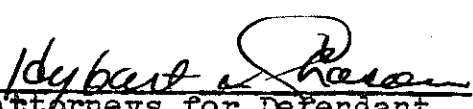
That said complaint does not state a cause of action.

SECOND:

That said complaint fails to properly state the make, model and capacity of the Pick-up Truck which was damaged.

THIRD:

That said complaint fails to state where, within the city limits of the town of Robertsedale, the collision occurred.

  
 Attorneys for Defendant

84C  
DEMURRER

Recorded

LESLIE E. DRISKELL

PLAINTIFF

VS

WILLARD BARGAINIER

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Filed August 22, 1946

Reid  
Clerk

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, { No. 890  
BALDWIN COUNTY }

CIRCUIT COURT BALDWIN COUNTY

July TERM, 1946

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Willard Bargainier

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Willard Bargainier, Defendant

by Leslie Driskell

Plaintiff

Witness my hand this 30th day of July 1946

*Leslie Driskell*

Clerk

## Charge B.

The Court charges the jury that if you believe from the evidence that plaintiff was either negligent in driving his pick-up truck at too high a rate of speed for safety or on the wrong side of the highway at the time of the collision, and such negligence was the proximate cause of the collision, you cannot find for the plaintiff.

Plaintiff  
Defendant  
Judge



## Charge 6

The Court charges the jury that if you believe from the evidence that negligence of the plaintiff contributed to the cause of the collision in any way, then plaintiff cannot recover.

Sinner  
J. M. Stare  
Judge

## Charge C.

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that negligence on the part of plaintiff was the proximate cause of the collision, you cannot find for the plaintiff.

Signed  
J. W. Hare  
Judge