

6. Gentlemen of the jury, If you find from the evidence that the negligence of the plaintiff proximately contributed to his injury, he cannot recover. *How does he pay*

11. Gentlemen of the jury; The law of last clear chance is that if after discovery of danger to himself, a person could have avoided the danger, but for his own unlawful act, he cannot recover damages for an injury received therefrom. *How does he pay*

CLYDE LANE,
Plaintiff,
-vs-
H. L. GAINES,
Defendant.

)
) IN THE CIRCUIT COURT
) OF BALDWIN COUNTY,
) ALABAMA.
) AT LAW.
) CASE NO. 1967

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 13th day of December, 1952, the Defendant so negligently operated a motor vehicle westwardly across U. S. Highway 31 at its intersection with a dirt road approximately one mile south and west of Bay Minette, Alabama, both of which said roads are public highways 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 southwardly direction along said U. S. Highway 31, 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.

Boston Danner
ATTORNEYS FOR PLAINTIFF

Julian A. Maddebury, Jr.
ATTORNEY FOR PLAINTIFF

STATE OF ALABAMA)
 (
COUNTY OF BALDWIN)

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon H. L. GAINES to appear within thirty days from the 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 CLYDE LANE.

WITNESS: Alice J. Duck, Clerk of said Court, this 17th day of April, 1953.

Attest: Alice J. Duck
Clerk.

* * * * *

SHERIFF'S RETURN

Received _____ day of _____, 1953, and on the _____ day of _____, 1953, I served a copy of the within Complaint on _____ by service on _____.

SHERIFF

Received in Sheriff's Office
this 10 day of Apr, 1953
TAYLOR WILKINS, Sheriff

1967
RECORDED

Clyde Lane
vs.

H. L. Gaines

Summons & Complaint

Received _____ day of _____ 19____
and on 25 day of April 1953
I served a copy of the within _____
on _____

By service on H. L. Gaines

TAYLOR WILKINS, Sheriff
By H. L. Gaines D.S.

FILED

4-17-53

MADE L. BUCK, Clerk

Clyde Lane

Plaintiff

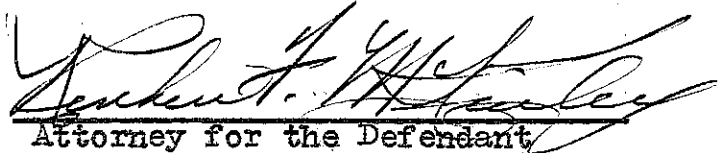
Vs

H. L. Gaines

Defendant

*
*
*
*
* In the Circuit Court of
* Baldwin County, Alabama
* At Law.
*
*

Now comes the Defendant in the above styled cause, by his Attorney, Reuben F. McKinley and moves this Honorable Court to dismiss this cause, in that an unreasonable period of several months elapsed between the sustaining of the demurrers to the complaint originally filed in said cause and the filing of the amended complaint, thus leading the Defendant to believe the cause had been dropped and causing undue hardship on him and his Attorney.


Attorney for the Defendant

Clyde Lane

Plaintiff

Vs

H. L. Gains

Defendant

In the Circuit Court of
Baldwin County, Alabama
At Law

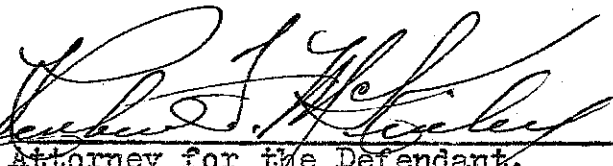
Now comes the Defendant in the above styled cause, by his Attorney Reuben F. McKinley and pleads

1.
Not guilty.

2.
The Defendant says that the plaintiff was himself guilty of negligence which proximately contributed to the injury complained of in that the plaintiff was traveling on said highway at the time and place alleged in the complaint at a high, excessively and dangerous rate of speed and after the driver of defendant's automobile had driven it a short distance into the intersection of the public highway upon which he was traveling with the street or highway upon which the plaintiff was traveling, after the said driver of defendant's automobile had come to a complete stop, the plaintiff continued to drive at such an excessive rate of speed as to lose control of his automobile and run same into the automobile of the defendant.

3.
The defendant says that the plaintiff was guilty of negligence which proximately contributed to the injury complained of in that the driver of defendant's automobile at the time and place complained of was driving same in a westerly direction along a public highway which intersects the highway upon which the plaintiff was then traveling in a southerly direction; that the driver of defendant's automobile brought same to a complete stop at a point on the highway upon which plaintiff was driving where there was ample room for the defendant by driving on his right hand side of the road to have passed in safety the defendant's automobile, but the plaintiff so negligently operated his automobile as to cause same to leave its side of the road and run into the parked automobile of the defendant.

4.
The defendant says that the plaintiff was himself guilty of negligence which proximately contributed to the injury complained of in that the plaintiff at the time the driver of defendant's automobile drove into the intersection as alleged in the complaint was from a block to a block and a half away, and by the exercises of due care would have seen the defendant's automobile and could have avoided said injury, but said plaintiff who was then driving at a high rate of speed continued so to drive and ran into the defendant's automobile, thereby causing the injury complained of.


Attorney for the Defendant.

Plaintiff

Vs

L. Gaines

DEFERRED RECORDED

Plea

FILED
JUL 1 1967
COURT HOUSE
MEMPHIS, TENNESSEE

... ..
... ..
... ..
... ..
... ..

... ..
... ..
... ..
... ..
... ..
... ..
... ..
... ..
... ..
... ..
... ..

... ..
... ..
... ..
... ..
... ..
... ..
... ..
... ..
... ..
... ..
... ..

... ..
... ..
... ..

... ..
... ..

... ..
... ..

... ..
... ..

CLYDE LANE,
Plaintiff,
Vs.
H. L. GAINES,
Defendant.

0
0
0
0
0
0
0
0
0
0
0

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

AMENDED COMPLAINT.

Comes now the Plaintiff in the above styled cause, by his attorneys, and amends the complaint heretofore filed in said cause by adding County "A" thereto:

Count "A"

Plaintiff claims of the Defendant the sum of Five Hundred (\$500.00) Dollars as damages, in this, that heretofore, on, to-wit: the 13th day of December, 1952, the Defendant so negligently operated a motor vehicle westwardly across U. S. Highway 31 at its intersection with a dirt road approximately one mile South and West of Bay Minette, Alabama, both of which said roads are public highways 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 southwardly direction along said U. S. Highway 31, and as a proximate consequence thereof, Plaintiff's automobile was badly bent, broken and damaged, the front axle was bent and damaged, the front wheels were bent and broken, the front tires were ruined, the radiator was bent and damaged, the headlights were bent and broken, the hood was bent and broken, the windshield was broken, the doors were bent and damaged, and the paneling on the right side was bent and broken, and plaintiff was deprived of the use of his said automobile for a long period of time, all to the injury of the Plaintiff as aforesaid, hence this suit.

Gordon G. Jansen
ATTORNEYS FOR PLAINTIFF
Julian J. Maddox, Jr.
ATTORNEY FOR PLAINTIFF.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. ———RECORDED

******)

CLYDE LANE,
Plaintiff,

Vs.

H. L. GAINES,
Defendant.

AMENDED COMPLAINT.

FILED
AUG 27 1953
ALICE J. DUCK, Clerk.

JURY LIST

Handwritten: Lane's
Gaines

Spring Term, March 8th, 1954

NO. NAME OCCUPATION ADDRESS

- ~~1 Carlton Ewing, fisherman, Bon Secour~~ P⁹
- ~~2 Roy P. Emmons, Brookley Field, Bay Minette~~
- ~~3 Hugo Rogers, L. & N. railroad, Perdido~~ P¹
- ~~4 L. D. Littleton, plumber, Fairhope~~ P²
- ~~5 James Wright, druggist, Foley~~
- ~~6 Freddie Waters, butcher, Bay Minette~~ P⁷
- 7 Roy Dukes, farmer, Foley
- ~~8 B. Young, merchant, Dauphin~~
- ~~9 Pierce Holmes, electrician, Stockton~~ P¹⁰
- ~~10 Derrill Stuart, cement mfg., Bay Minette~~ P¹³
- 11 Norman P. Durant, machinist, Bay Minette
- ~~12 Eddie Back, shipyard, Robertsdale~~
- ~~13 Russell Campbell, farmer, Loxley~~ P¹⁰
- 14 Frank T. Peterson, farmer, Gateswood
- 15 O. E. Archer, mechanic, Fairhope
- ~~16 Ernest C. Weekley, merchant, Perdido~~ P¹⁰
- 17 George Heidelberg, farmer, Robertsdale
- 18 Alex T. Stucky, saw mill, Bay Minette
- ~~19 Arthur H. Hale, merchant, Stapleton~~ P¹³
- 20 Hamilton Bryant, reserve fleet, Stockton
- ~~21 Henry S. Skipper, defense, Loxley~~ P¹³
- ~~22 John McDaniel, Clerk, Fairhope~~ P¹¹
- ~~23 Braxton Palmer, farmer, Robertsdale~~ P¹⁶
- ~~24 George F. Robertson, farmer, Robertsdale~~ P¹⁶
- ~~25 Howard Baxendale, forester, Stapleton~~ P¹¹
- ~~26 Robert Hill, merchant, Loxley~~ P¹⁷
- 27 Mack L. Feil, Defense, Foley
- 28 Jerry Heidelberg, farmer, Silverhill
- ~~29 Frank Harejsi, farmer, Silverhill~~ P¹⁵
- ~~30 Horace Corley, fleet, Bay Minette~~ P¹⁴
- ~~31 Willie R. Cooper, farmer, Rosinton~~ P¹⁴
- ~~32 Marshall N. White, electrician, Bay Minette~~ P¹⁵
- ~~33 W. Carther Hobbs, merchant, Bay Minette~~ P¹⁴
- 34 John E. Jones, farmer, Lottie
- ~~35 E. C. Anderson, contractor, Fairhope~~ P¹⁸
- 36 Henry E. Yenne, farmer, Pt. Clear
- ~~37 M. C. Guman, merchant, Loxley~~ P¹⁸
- 38 Ira Lipscomb, farmer, Magnolia Springs

38
4
34
12
22

P XXXX XXXX X
D XXXX XXXX X

1967

cc
cc

24

[Faint, mostly illegible text, possibly a list or report]