

ROYCE A. BRYARS

PLAINTIFF

VS

O. W. BRYARS

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

CASE NO.

3070

Comes the Defendant in the above styled cause and demurrers to said complaint filed in said cause and to each and every phase thereof separately and severally:

1.

Plaintiff failes to allege who operated his said motor vehicle.

2.

That for aught alleged in said complaint Plaintiff's said motor vehicle was on the public highway under the control of said Plaintiff.

3.

That for aught alleged in said complaint Plaintiff's automobile was passing an intersection.

4.

That for aught alleged in said complaint Plaintiff was meeting the automobile allegedly the property of the Defendant.

5.

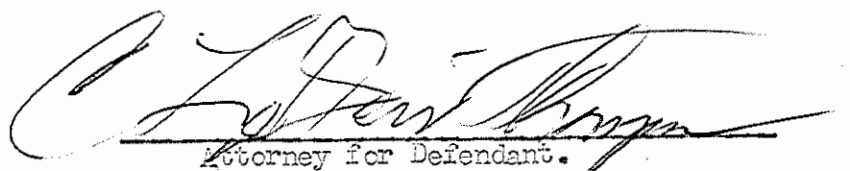
That for aught alleged in said complaint Plaintiff was a passenger in his said automobile.

6.

That for aught alleged in said complaint Plaintiff was negligent in the repair of his automobile.

7.

That for aught alleged in said complaint said Defendant was operating the motor vehicle which collided with Plaintiff's automobile.



Attorney for Defendant.

ROYCE A. BRYARS,
 PLAINTIFF
 VS
 O. W. BRYARS
 DEFENDANT

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA.
 AT LAW.
 CASE NO. 3070

Comes the Defendant in the above styled cause and for answer to the complaint filed therein and to each and every phase thereof shows unto this Honorable Court as follows:

1.

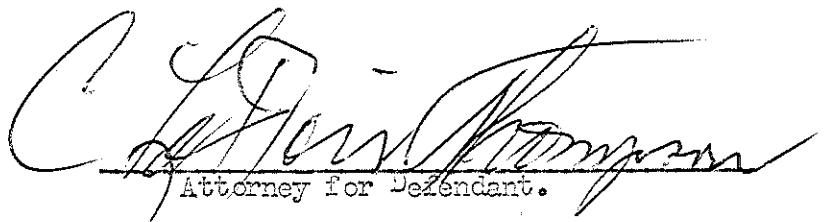
Not guilty.

2.

For further answer to said count the Defendant says that the Plaintiff ought not to recover in this cause for that on the occasion, and at the time and place complained of Plaintiff himself was guilty of negligence proximately contributing to his alleged damages in this that the said Plaintiff was operating his said automobile in such manner: to-wit stopping the said car on the public highway without warning wherefore the said Defendant's automobile collided with the Plaintiff's said automobile on said occasion whereby Plaintiff's said action proximately contributed to the damages complained of in said complaint: hence the Plaintiff ought not to recover in said suit.

3.

Comes the Defendant O. W. Bryars and claims of Plaintiff Royce A. Bryars by way of recoupment the sum of One Thousand (\$1,000.00) Dollars damages for that heretofore, at the time and place complained of by the Plaintiff the said Royce A. Bryars negligently operated an automobile in a reckless manner, to-wit stopped the automobile which he operated on the public highway at the point and place complained of in the complaint in this cause did negligently and without proper warning so that Defendant's car collided with said car of the Plaintiff herein and as a proximate consequence of said negligence Defendant's said automobile was damaged as follows: bent and crushed front end, damaged fenders and hood together with bent frame and other items attached to the said parts heretofore named being damaged wherefore the market of said automobile was that of junk.


 Attorney for Defendant.

ROYCE A. BRYARS,
 Plaintiff,
 VS.
 O. W. BRYARS,
 Defendant.

IN THE CIRCUIT COURT OF
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C O U N T O N E

Plaintiff claims of the defendant the sum of Five Hundred (\$500.00) Dollars as damages for that, heretofore, on, to-wit: March 3, 1956, at about 11:30 o'clock, P. M., the plaintiff's automobile, a 1953 Model Plymouth Four-door Sedan, was being operated along and upon a public highway in Baldwin County, Alabama, to-wit: the Rabun-Perdido Road, at a point/one and one-half miles west of Perdido, Alabama, where it had a right to be, and while said automobile was being operated and driven along said Rabun-Perdido Road, the defendant so negligently operated a motor vehicle then and there as to cause, allow or permit said motor vehicle he was operating to run over, upon or against plaintiff's said automobile, causing great damages and injuries to the plaintiff's automobile: The front bumper, front grill, left front fender, left front headlight, left front parking light, radio aerial, the hood, left front door, left rear door, rear bumper, back bar, and frame, and window glass, and other parts of plaintiff's automobile were broken, bent, smashed, or otherwise damaged and injured, and plaintiff was deprived of the use of his said automobile for a long period of time, to-wit: 45 days, all to the damage of plaintiff as aforesaid. Plaintiff avers that his said damages to his said automobile 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 and as a proximate consequence thereof, the plaintiff's automobile was damaged and injured as aforesaid; hence this suit.

J. Blair H. Marshall
 ATTORNEY FOR PLAINTIFF.

Plaintiff requests that this cause be tried by a jury.

J. Blair H. Marshall
 ATTORNEY FOR PLAINTIFF.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NO. 3070

FILED
OCT 26 1956
ALICE J. DUCK, Clerk

ROYCE A. BRYARS,
Plaintiff,

VS.

O. W. BRYARS,
Defendant.

COMPLAINT.

TELFAIR J. MASHBURN, JR.
ATTORNEY-AT-LAW
BAY MINETTE, ALABAMA

*By leave be served at
Piedmont, Ala*

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3070

October

TERM, 19 56

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon O.W. BRYARS

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
O.W. BRYARS, Defendant

by ROYCE A. BRYARS, Plaintiff

Witness my hand this 26th. day of October 19 56

Allen J. Duck, Clerk

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No. 3070

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THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

ROYCE A. BRYARS

Plaintiffs

vs.

O.W. BRYARS

Defendants

SUMMONS and COMPLAINT

Filed OCT. 26, 1956

Alice J. Duck, Clerk

TELFAIR H. MASHBURN, JR.

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

10-26, 1956

Sheriff

I have executed this summons

this 10-30, 1956

by leaving a copy with

O.W. Bryars

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY

W.D. Tolbert
DEPUTY SHERIFF

Sheriff

Deputy Sheriff

7 miles west of
Perdido