

MERLE R. WOOD,)	IN THE CIRCUIT COURT OF
)	BALDWIN COUNTY, ALABAMA,
PLAINTIFF,)	
VS.)	AT LAW
)	NO. <u>5785</u>
WOODROW BISHOP AND ELLIOTT POWE,)	
JOINTLY AND INDIVIDUALLY,)	
)	
DEFENDANTS)	

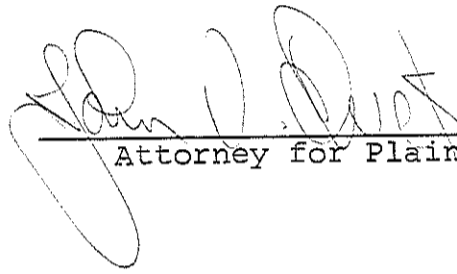
COUNT ONE

Plaintiff claims of the Defendants the sum of Five Hundred Eighty and 63/100 Dollars (\$580.63) as damages for that heretofore, on to-wit: The 5th day of July, 1963, the Plaintiff's automobile was being operated along and upon Highway Numbered U. S. 98, traveling in an easterly direction, at a point thereon one-half mile East of Highway Numbered U. S. 98 and Greeno Road, being then and there a public highway in Baldwin County, Alabama, where she had a right to be, and while Plaintiff's said automobile was being operated and driven along the said U. S. Highway Number 98, a farm tractor pulling a plow and disc and which was being driven by the Defendant, Elliott Powe, agent, servant or employee of the Defendant, Woodrow Bishop, and acting within the line and scope of his employment, so negligently operated the said farm tractor as to allow or cause the plow or disc to become disengaged from the said tractor, and run loose upon the said Highway Number U. S. 98, and as a proximate result of the said negligence, another automobile swerved into the Plaintiff's automobile and as a proximate consequence thereof, Plaintiff's automobile was damaged in that the left front fender was knocked into the cowl, that the windshield was broken, that it was otherwise bent, torn and smashed, all as a proximate result of the negligence of the Defendants, as aforesaid.

COUNT TWO

Plaintiff claims of the Defendant, Elliott Powe, the sum of Five Hundred Eighty and 63/100 Dollars (\$580.63) as damages for that heretofore and on, to-wit: The 5th day of July, 1963, while the Plaintiff's automobile was being operated along and upon Highway Numbered U. S. 98, at a point thereon one-half mile East of the intersection of Highway Number U. S. 98 and Greeno Road, which was then and there a public highway in Baldwin County, Alabama, where


she had a right to be, the Defendant, Elliott Powe, so negligently operated a farm tractor that was pulling a disc and plow as to cause or allow the disc and plow to become disengaged from the said farm tractor, and break and run loose upon said Highway U. S. 98, and as a proximate result thereof, another automobile swerved into said Plaintiff's automobile and as a proximate consequence of the negligence of the Defendant, Elliott Powe, Plaintiff's automobile was damaged in that the left front fender was knocked into the cowl, that the windshield was broken and smashed, and that the Plaintiff's said automobile was otherwise bent, torn and smashed, all as a proximate result of the negligence of the Defendant, Elliott Powe, hence this suit.



Attorney for Plaintiff

Plaintiff respectfully demands

a trial by Jury.



Attorney for Plaintiff

FILED

JAN 20 1964

ALICE J. DUCK, CLERK
REGISTER

MERLE R. WOOD,	¶	
	¶	IN THE CIRCUIT COURT OF
Plaintiff,	¶	
	¶	BALDWIN COUNTY, ALABAMA
vs.	¶	
	¶	
WOODROW BISHOP and ELLIOTT	¶	AT LAW
POWE,	¶	NO. 5895
	¶	
Defendants.	¶	
	¶	

DEMURRER:

Come now the Defendants in the above styled cause, by their attorneys, and demur to the complaint heretofore filed against them and to each count thereof, separately and severally, and assign the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.
2. "COUNT ONE" of the complaint fails to state a cause of action.
3. "COUNT TWO" of the complaint fails to state a cause of action.
4. The complaint fails to allege any negligence on the part of the Defendant Elliott Powe, as agent, servant or employee of the Defendant Woodrow Bishop while acting within the line and scope as his employment as such.
5. The complaint fails to allege any duty on the part of either of the Defendants to the Plaintiff and a breach of that duty proximately resulting in the alleged damages.
6. The complaint and each count thereof attempts to set out the quo modo of the negligence of the Defendant Elliott Powe but fails to allege sufficient facts upon which negligence could be based as a matter of law.
7. For aught that appears from the allegations of the complaint the Plaintiff's damages were the proximate result of the negligence of the operator of the automobile which allegedly

swerved into the Plaintiff's automobile.

8. The complaint fails to allege that the collision with the Plaintiff's automobile was the proximate consequence and result of any negligence on the part of either of the Defendants.

9. The allegations of the complaint are vague, indefinite and uncertain.

10. It affirmatively appears from the allegations of the complaint that the Plaintiff's damages were the proximate result of an intervening cause.

Respectfully submitted,

CHASON, STONE & CHASON

By: 
Attorneys for Defendants

FILED

JAN 29 1934

ALICE L. DUCK, CLERK
REGISTER

MERLE R. WOOD,
Plaintiff,

Vs.

WOODROW BISHOP and ELLIOTT POWE,
jointly and individually,
Defendants.

* IN THE CIRCUIT COURT
* OF BALDWIN COUNTY,
* ALABAMA
* AT LAW
* CASE NO: _____
*

Comes now the Plaintiff and amends Count One of his Complaint heretofore filed herein by changing said Count One to read as follows:

COUNT ONE

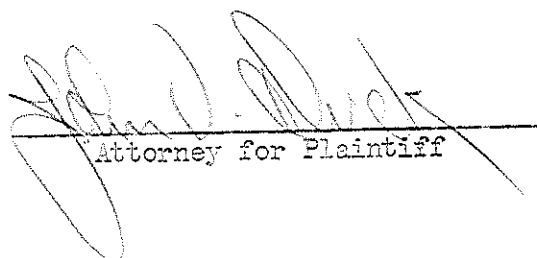
Plaintiff claims of the Defendants the sum of Five Hundred Eighty and 63/100 (\$580.63) Dollars, as damages, for that heretofore and on, to-wit, the 5th day of July, 1963, while Plaintiff's automobile was being operated along and upon Highway Numbered U. S. 98, travelling in an Easterly direction, at a point thereon, to-wit, one half mile East of the intersection of Highway Numbered U. S. 98 and Greeno Road, said Highway 98 being then and there a public highway in Baldwin County, Alabama, where said Plaintiff's automobile had a right to be, the Defendants so negligently operated a tractor, pulling a plow and disc, as to run said plow or disc into the path of Plaintiff's said motor vehicle thereby necessitating the driver of Plaintiff's said motor vehicle to turn Plaintiff's said motor vehicle from said path in order to avoid hitting the Defendant's plow or disc, and in so doing the Plaintiff's said motor vehicle was struck by a motor vehicle heading in the opposite direction along U. S. Highway 98, and as a proximate result thereof Plaintiff's automobile was bent, broken, crushed and severely damaged, the automobile depreciated greatly in value, and the Plaintiff lost the use thereof for a long period of time.

And Plaintiff avers that all of the said damages to his automobile were caused by and as a proximate result of the negligence of the Defendants in and about their operation of said farm tractor at said time and place.

FILED

SEP 8 1964

ALICE L. BUSH, CLERK

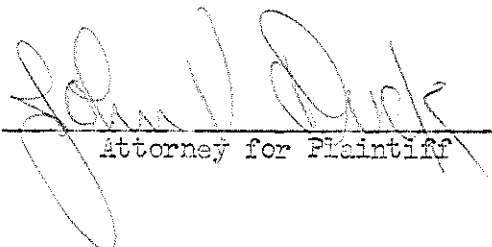

Attorney for Plaintiff

MERLE R. WOOD,	*	IN THE CIRCUIT COURT
Plaintiff,	*	OF BALDWIN COUNTY,
Vs.	*	ALABAMA
WOODROW BISHOP and	*	AT LAW
ELLIOTT POWE, jointly and	*	
individually,	*	
Defendants.	*	CASE NO: _____

Comes now the Plaintiff and amends Count Two of his Complaint heretofore filed herein by changing said Count Two to read as follows:

COUNT TWO

Plaintiff claims of the Defendants the sum of Five Hundred Eighty and 63/100 (\$580.63) Dollars, as damages, for that heretofore and on, to-wit, the 5th day of July, 1963, while Plaintiff's automobile was being operated on and along Highway Numbered U. S. 98, travelling in an Easterly direction, at a point thereof, to-wit, one half mile East of the intersection of Highway U. S. 98 and Greeno Road, said Highway 98 being then and there a public highway in Baldwin County, Alabama, where said Plaintiff's automobile had a right to be, the Defendants and Eugene C. Meyer so negligently operated motor vehicles as to cause or allow said motor vehicle being driven by Eugene C. Meyer to collide with the Plaintiffs vehicle, and as a proximate result of the negligence as aforesaid, the Plaintiff's automobile was badly bent, broken and crushed, it depreciated greatly in value, Plaintiff lost the use thereof for a long period of time, all to his damages in the sum aforesaid, hence this suit.



 Attorney for Plaintiff

FILED
 SEP 8 1963
 JOHN L. DUCK

INSTRUCTIONS →

SENDER:

Write (or type) message, pull out yellow sheet, mail the other two.

RECIPIENT:

Write your reply at bottom, mail back white sheet and keep the pink.

NCR Form 87

T
O

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

F
R
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M

JOHN V. DUCK & RICHARD C. LACEY
Attorneys At Law
319 Magnolia Avenue
FAIRHOPE, ALABAMA

5895
~~7105~~

SUBJECT:

Merle R. Wood Vs
Woodrow Bishop & Elliott Powe

DATE:

1-17-64

Message - Reply

FOLD

THIS IS NCR (NO CARBON REQUIRED) PAPER. { JUST TYPE (OR WRITE) ON ORIGINAL. YOUR IMPRESSION WILL AUTOMATICALLY APPEAR ON COPIES BENEATH.

Form 87 - New England Business Service, Inc., Townsend, Mass.

Dear Miss Alice:

Enclosed are Summons and Complaint on the above.

Sincerely,

M
E
S
S
A
G
E

SIGNED:

John V. Duck
John V. Duck

DATE OF REPLY:

REPLY TO:

R
E
P
L
Y

SIGNED:

SENDER: MAIL RECIPIENT WHITE AND PINK SHEETS

RECIPIENT: WRITE REPLY. RETURN WHITE TO SENDER. KEEP THIS PINK COPY.

MERLE R. WOOD,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
WOODROW BISHOP and ELLIOTT POWE,	X	AT LAW NO. 5895
	X	
Defendants.	X	

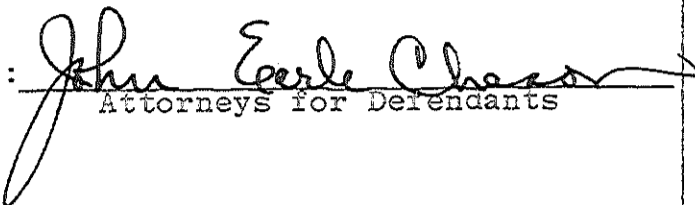
DEMURRER

Come now the Defendants in the above styled cause, by their attorneys, and demur to the amended complaint heretofore filed against them and to each count thereof, separately and severally, and assign the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.
2. The complaint fails to allege any duty on the part of either of the Defendants to the Plaintiff and a breach of that duty proximately resulting in the alleged damages.
3. The complaint and each count thereof attempts to set out the quo modo of the negligence of the Defendant Elliott Powe but fails to allege sufficient facts upon which negligence could be based as a matter of law.
4. For aught that appears from the allegations of the complaint the Plaintiff's damages were the proximate result of the negligence of the operator of the automobile which allegedly swerved into the Plaintiff's automobile.
5. The complaint fails to allege that the collision with the Plaintiff's automobile was the proximate consequence and result of any negligence on the part of either of the Defendants.
6. The allegations of the complaint are vague, indefinite and uncertain.
7. It affirmatively appears from the allegations of the complaint that the Plaintiff's damages were the proximate result of an intervening cause.
8. It affirmatively appears that the party guilty of the negligence which was the proximate cause of the accident is

not made a party defendant to the cause.

Respectfully submitted,
CHASON, STONE & CHASON

By: 
Attorneys for Defendants

FILED

NOV 10 1984

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County
No. ⁵⁸⁹⁵~~74~~-----
-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon WOODROW BISHOP AND ELLIOTT POWE

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 WOODROW BISHOP
AND ELLIOTT POWE, JOINTLY AND INDIVIDUALLY-----, Defendants-----

by MERLE R. WOOD-----
-----, Plaintiff-----

Witness my hand this 20 day of January 1964
EX-1-20-64 Alice J. Duck-----, Clerk

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

MERLE R. WOOD

Plaintiffs

vs.

WOODROW BISHOP AND
ELLIOTT POWE, JOINTLY
AND INDIVIDUALLY

Defendants

Summons and Complaint

FILED

Filed _____ 19__

JAN 20 1964

Clerk

ALICE J. DUCK, CLERK
REGISTER

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
WOODROW BISHOP: Route 2, Fairhope,
Alabama
ELLIOTT POWE: 461 Twin Beach Rd.,
Fairhope, Alabama
Received in Office

Jan 20 64, 19__

Sheriff.

I have executed this summons

this *20th* of *Jan* 19__ *64*

by leaving a copy with

*Woodrow Bishop
Elliott Powe*

Sheriff claims *200* miles at

70¢ Cent per mile Total \$ *20.00*

TAYLOR WILKINS, Sheriff

BY *Red Sabert*
DEPUTY SHERIFF

Taylor Wilkins Sheriff.
Frank Fisher Deputy Sheriff.
(Samuel)