

962

FRANK GOODE,

Plaintiff

VS.

J. C. BARBER,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Comes the Defendant and for answer to the Complaint in this cause, and to each and every count thereof, separately and severally, pleads in short by consent the general issue, with leave to give in evidence any matter which if well pleaded, would be admissible in defense of the action, to have effect as if so pleaded; and with leave to the Plaintiff to give in evidence any matter, which if well pleaded, would be admissible in reply to such defensive matter, to have effect as if so pleaded.

*Demetrius Eugene Smith*  
*Deputy Attorney General*  
Attorneys for Defendant.

ANSWER

FRANK GOODE,

Plaintiff

VS.

J. C. BARBER,

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

Filed February 27, 1947

Alice J. Luck  
Clerk.

# JURY LIST, FIRST WEEK

Spring Term, April 14th, 1947

No.	Name	Occupation	Address	
<del>1</del>	<del>W. Evan Perry</del>	<del>farmer</del>	<del>Belforest</del>	<del>P1</del> P- ++++++
<del>2</del>	<del>D. O. Hall</del>	<del>farmer</del>	<del>Tensaw</del>	<del>P1</del>
<del>3</del>	<del>A. F. Bertolla</del>	<del>produce buyer</del>	<del>Loxley</del>	<del>P6</del>
<del>4</del>	<del>Chas. W. Barnhill</del>	<del>farmer</del>	<del>Loxley</del>	<del>P13</del>
<del>5</del>	<del>A. C. Mott</del>	<del>hotel owner</del>	<del>Bay Minette</del>	<del>P8</del> ++++++
<del>6</del>	<del>Chas. O. Bill</del>	<del>Standard Oil Co.</del>	<del>Robertsdale</del>	<del>P9</del>
<del>7</del>	<del>Henry Pipkin</del>	<del>woodsman</del>	<del>Bay Minette</del>	<del>P7</del>
<del>8</del>	<del>Albert Corte</del>	<del>farmer</del>	<del>Belforest</del>	<del>P7</del>
9	Arthur Stenzil	furniture	Fairhope	P1
<del>10</del>	<del>Joseph Dusek, Jr.</del>	<del>defense</del>	<del>Litham</del>	<del>P1</del>
<del>11</del>	<del>Francis L. Irwin</del>	<del>farmer</del>	<del>Foley</del>	<del>P2</del>
12	Martin W. Krchak	farmer	Silverhill	
13	W. T. Canaan	merchant	Loxley	
14	William H. Gwaltney	clerk	Robertsdale	
15	Charlie Rider	Company employee	Bay Minette	
<del>16</del>	<del>Jewel Smith</del>	<del>logging</del>	<del>Latham</del>	<del>P3</del>
17	Wm. M. Brannan	laborer	Foley	
18	Rufus M. Black	farmer	Loxley	
<del>19</del>	<del>Arthur H. Hale</del>	<del>merchant</del>	<del>Stapleton</del>	<del>P5</del>
<del>20</del>	<del>Ernest Miller</del>	<del>electrician</del>	<del>Bay Minette</del>	<del>P10</del>
<del>21</del>	<del>Blaine Dickman</del>	<del>farmer</del>	<del>Bay Minette</del>	<del>P8</del>
<del>22</del>	<del>William S. Alexander</del>	<del>Newport employee</del>	<del>Bay Minette</del>	<del>P5</del>
<del>23</del>	<del>J. R. Wilson</del>	<del>Farm Implement Co.</del>	<del>Bay Minette</del>	<del>P11</del>
		<del>&amp; Chevrolet Co.</del>		
<del>24</del>	<del>Jack Page</del>	<del>clerk</del>	<del>Bay Minette</del>	<del>P13</del>
25	Robert Miller	drug clerk	Bay Minette	
<del>26</del>	<del>Fletcher Stamps</del>	<del>merchant</del>	<del>Bay Minette</del>	<del>P11</del>
<del>27</del>	<del>Roland Calloway</del>	<del>contractor</del>	<del>Bay Minette</del>	<del>P10</del>
28	Robert Coots	mechanic	Bay Minette	
<del>29</del>	<del>Francis Feminear</del>	<del>druggist</del>	<del>Bay Minette</del>	<del>P2</del>
<del>30</del>	<del>James Lindsey</del>	<del>real estate</del>	<del>Bay Minette</del>	<del>P9</del>
31	Adrian Talbet	filling station	Bay Minette	
<del>32</del>	<del>Chester A. Stapleton</del>	<del>merchant</del>	<del>Bay Minette</del>	<del>P6</del>
<del>33</del>	<del>Joe E. Still</del>	<del>auto dealer</del>	<del>Bay Minette</del>	<del>P3</del>
<del>34</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>	
35	Rudolph Bryars	cleaners	Bay Minette	
<del>36</del>	<del>J. Hilary Brown</del>	<del>cobbler</del>	<del>Bay Minette</del>	<del>P4</del>
<del>37</del>	<del>Virgil V. Rhodes</del>	<del>farmer</del>	<del>Bay Minette</del>	<del>P12</del>
<del>38</del>	<del>George F. Stevenson</del>	<del>oil agent</del>	<del>Bay Minette</del>	<del>P4</del>
39	L. D. Owens, Jr.	merchant	Bay Minette	

39  
4/6

- 962 -  
Frank Woods  
vs  
J. A. Barber

Arm brecht, inge - Twitty Jackson

FRANK GOODE	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	
VS.	)	BALDWIN COUNTY, ALABAMA
J. C. BARBER,	)	
Defendant.	)	LAW SIDE.

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:-

1.

That said Complaint does not state a cause of action.

2.

That said Complaint is vague and indefinite.

3.

That the allegation in the Complaint that the Defendant operated a Motor Truck at a point on a public highway in Baldwin County, Alabama, at to-wit, the approach to what is known as the Bay Bridge road is vague and indefinite.

4.

That said Complaint fails to give the name or number of the public highway on which said accident occurred or allege that such highway was not named or numbered.

5.

That the allegation in the Complaint "that he ran the same into and against a truck of the Plaintiff" is not sufficient to allege that the Plaintiff was the owner of such truck.

6.

That said Complaint fails to allege that the negligence of the Defendant was the proximate cause of the injuries and damages of the Plaintiff.

7.

That the allegation in the Complaint "as a result whereof the said truck was badly wrecked and almost completely demolished, so that it was beyond repair" is a conclusion of the Pleader.

8.

That the allegation in the Complaint "as a result whereof the said truck was badly wrecked and almost completely demolished, so that it was beyond repair" is vague and indefinite.

9.

That the allegation "as a result whereof the said truck was badly wrecked and almost completely demolished, so that it was beyond repair" fails to state which truck is referred to, whether that of the Plaintiff or that of the Defendant.

10.

That said Complaint fails to allege that the Plaintiff was the owner of the freight, household goods, produce, etc. which it is alleged was lost or ruined.

*Cruebrook, Luge, Smith & Jackson*

*Hyatt Karon*  
Attorneys for Defendant.

962  
DEMURRER

FRANK GOODE,  
Plaintiff,

VS.

J. C. BARBER,  
Defendant.

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

FILED: May 28, 1946.

  
Clerk.

LAW OFFICES  
HYBART & CHASON  
Bay Minette, Alabama

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

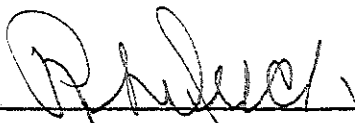
TO ANY SHERIFF OF THE STATE OF ALABAMA, -- GREETING:

You are hereby commanded to summon J. C.

Barber 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 Frank Goode.

And you are hereby commanded to execute this process instanter and make return as required by law.

WITNESS my hand, this the 4 day of May, 1946.



CLERK.

COMPLAINT

FRANK GOODE,

Plaintiff,

vs.

J. C. BARBER,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

COUNT ONE: Plaintiff claims of the Defendant the sum of ONE THOUSAND DOLLARS damages for that on, to-wit, the 13th day of November, 1945, a servant or agent of the Defendant, while acting within the line and scope of his employment as such, so negligently operated a motor truck at a point on a public highway in Baldwin County, Alabama, at, to-wit, the approach to what is known as the Bay Bridge Road, just West of the Spanish Fort, that he ran the same into and against a truck



of the Plaintiff, which the Plaintiff was then and there driving on said highway, as a <sup>proximate</sup> result whereof the said truck was badly wrecked and almost completely demolished, so that it was beyond repair and a load of freight and household goods, produce, etc., was lost or ruined, all to his damage in the sum of, to-wit, \$1,000.00; WHEREFORE this suit.

R. R. Cooney Jr.  
ATTORNEY FOR PLAINTIFF

Plaintiff demands a trial by jury.

R. R. Cooney Jr.  
ATTORNEY FOR PLAINTIFF

Defendant's address:

215 So. Bell Street,  
Dothan, Alabama.

962

AT LAW

FRANK GOODE

VS

J. C. BARBER

SUMMONS & COMPLAINT

FILED

MAY 4 1946

R. S. DUCK, CLERK

We the jury find for  
The defendant

L. Owen Jr  
Foreman

(1310)

5/10/46

Speculatively  
serving a copy of  
the within  
summons & Complaint  
on J. C. Barber  
J. C. Barber  
Shift  
J. C. Barber  
D3.

The Court charges the jury that if  
you believe the evidence in this  
case your verdict must be in  
favor of the defendant.

Given  
J. W. Stare  
Judge