

WILLARD BYRD,

Plaintiff,

vs.

MELTON WHITE AND
ISSAC WHITE,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

Come the Defendants in the above styled cause and demur to the Complaint filed in said cause and assign the following separate and several grounds, viz:

- (1) That said Complaint does not state a cause of action.
- (2) That said Complaint does not allege a duty owing by the Defendants to the Plaintiff.
- (3) That said Complaint fails to allege that the Defendants willfully or wantonly injured the Plaintiff.
- (4) That it is affirmatively shown in said Complaint that the Plaintiff was the guest of the Defendant, Issac White, and the Defendant, Melton White, is not properly charged with direct participation in the willful and wanton misconduct of Issac White.
- (5) That it is affirmatively shown in said Complaint that only the acts and conduct of Issac White are characterized as willful and wanton.
- (6) That said Complaint fails to allege that the Defendant, Melton White, ratified the action of Issac White which is charged as being willful and wanton negligence.
- (7) That there is a misjoinder of causes of action in said Complaint.
- (8) That said Complaint improperly, in one count, charges trespass against one Defendant and case against the other.
- (9) That said Complaint fails to allege that the Defendant, Melton White, willfully or wantonly injured the Plaintiff.

Wesley A. Stone
Attorneys for the Defendants.

2061

RECORDED

DEFEASER

WILLARD BYRD,

Plaintiff,

vs.

MELTON WHITE AND
ISSAC WHITE,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Filed the 1st day of September,
1953.

Archie H. Smith
Clerk

WILLARD BYRD,
Plaintiff,
VS.
MELTON WHITE AND ISSAC
WHITE,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

INTERROGATORIES PROPOUNDED BY PLAINTIFF
TO DEFENDANT, MELTON WHITE

1. On January 28, 1953, were you the owner of a 1947 Fordor Mercury Automobile, Engine Number 799A-1813259?
2. If the answer to Interrogatory Number 1 is yes, did you have in force and effect on January 28, 1953, an insurance policy or policies insuring the said automobile or the driver thereof?
3. If the answer to Interrogatory Number 2 is yes, attach a copy of the said insurance policy or policies to your answer to these interrogatories.

James R. Owen

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority within and for said County and State, personally appeared James R. Owen, Attorney for Plaintiff, who first being duly and legally sworn, deposes and says: That if the answers to the foregoing interrogatories are well and truthfully made, that will be material evidence in the above styled cause.

James R. Owen

Sworn to and subscribed before me on
this the 12th day of August, 1953.

Eunice Garner

Notary Public, Baldwin County, Alabama.

Received in Sheriff's Office
this 12 day of Aug, 1953
TAYLOR WILKINS, Sheriff

RECORDED

INTERROGATORIES PROPOUNDED BY
PLAINTIFF TO DEFENDANT, MELTON
WHITE

WILLARD BYRD,

Plaintiff,

VS.

MELTON WHITE AND ISSAC
WHITE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

AUG 12 1953

ALICE J. DUCK, Clerk

Received 13 day of Aug, 1953
and on 13 day of Aug, 1953
I served a copy of the within

on

By service on Melton White

TAYLOR WILKINS, Sheriff

By P. J. Bell

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF IN THE STATE OF ALABAMA:

You are hereby commanded to summon Melton White and
Issac White 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 same, then and there to answer the Complaint of Willard
Byrd.

WITNESS my hand this 12th day of August, 1953.

Reese J. Leach
Clerk.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

1. The Plaintiff claims of the Defendants, the sum of \$20,000.00 as damages for that heretofore on to-wit, January 28, 1953, the Plaintiff was riding in the automobile of the Defendants at the invitation of and by the request of the Defendant, Issac White, who was then and there an agent or servant of the Defendant, Melton White, acting within the line and scope of his authority as said agent or servant of the said Defendant when the said Issac White willfully or wantonly drove said automobile in such a negligent manner as to cause the said automobile to overturn and by reason thereof and as a proximate consequence and result thereof, the Plaintiff received severe personal injuries in this, to-wit: His head, limbs, neck and other parts of his body were bruised, contused, sprained, strained, burned and injured, he was internally injured and permanently injured; his nervous system was greatly shocked and impaired and was permanently shocked and impaired; he was made sick and sore for a long period of time, his physical stamina was impaired and permanently impaired, he was caused to suffer great physical pain and mental anguish, was put to much trouble, annoyance, inconvenience, and loss of time in and about an effort to heal and cure his said wounds and injuries. Plaintiff avers that at the time the said automobile overturned that the said Issac White was a servant or agent of the said Defendant, Melton White, and was acting in the line and scope of his authority as such agent or servant. Plaintiff avers that the said automobile overturned on U. S. Highway 31 at a distance of to-wit, 2.7 miles North of Bay Minette, in Baldwin County, Alabama.

James R. Carr
Attorney for Plaintiff.

Plaintiff demands a trial of said cause by jury.

Don R. Carr
Attorney for Plaintiff.

702261

RECORDED
COMPLAINT

Received in Sheriff's Office
this 12 day of Aug, 1953
TAYLOR WILKINS, Sheriff

WILLARD BYRD,
Plaintiff,
VS.
MELTON WHITE AND
ISSAC WHITE,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED
AUG 12 1953
ALICE J. DUCK, Clerk

JAMES R. OWEN
ATTORNEY-AT-LAW
BAY MINETTE, ALABAMA

Received _____ day of _____
and on 13 day of Aug, 1953
I served a copy of the within _____
on _____
By service on Melton White
Issac White
TAYLOR WILKINS, Sheriff
By T. J. Wilkins