

PLUMA WALDROP

Plaintiff

vs

ALABAMA WOOD PRESERVING CO.,
INC., a corporation and EDWARD
B. BYRD, jointly and individually

Defendants

) IN THE CIRCUIT COURT OF

)

BALDWIN COUNTY, ALABAMA

)

) AT LAW

)

Case No. 3,057

Comes now the Plaintiff and with leave of court first
had and obtained, amends her complaint in the following manner:

Plaintiff avers that the true name of the defendant
referred to in the original complaint as EDWARD B. BYRD is
EUGENE EDWARD BYRD who is sometimes also known as E. E. BYRD
and also sometimes known as EDWARD BYRD. Plaintiff so amends
her original complaint filed in this cause so as to substitute
the name EUGENE EDWARD BYRD for and in the place of the name
"EDWARD B. BYRD" in the caption of said original complaint and
wherever it appears in the complaint.

McCONNELL & FOREMAN

BY

Alvin McConnell
Attorneys for the Plaintiff

Plaintiff demands trial by jury.

McCONNELL & FOREMAN

BY

Alvin McConnell
Attorneys for the Plaintiff

Defendants' address:

Alabama Wood Preserving Co., Inc.
Robertsdale, Alabama

Eugene Edward Byrd
Robertsdale, Alabama

FILED

NOV 20 1956

ALICE J. BUCK, Clerk

S U M M O N S

STATE OF ALABAMA

COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon Alabama Wood Preserving

Co., Inc., a corporation and Edward B. Byrd to appear within

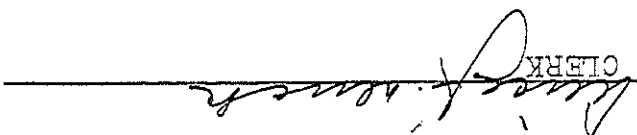
thirty days from the service of this writ in the Circuit Court

of Baldwin County, Alabama, at the place of holding the same

and then and there to plead, answer or demur to the complaint

of Pluma Waldrop.

Witness my hand this 20 day of October, 1956.


CLERK

C O M P L A I N T

PLUMA WALDROP) IN THE CIRCUIT COURT OF

Plaintiff

vs

ALABAMA WOOD PRESERVING CO.,
INC., a corporation and EDWARD
B. BYRD, jointly and individually

Defendants

Case No. 3,057

AT LAW

BALDWIN COUNTY, ALABAMA

COUNT ONE

Plaintiff claims of the defendants the sum of Fifty Thousand

and no/100 (\$50,000.00) Dollars as damages, for that, he retotore

and on, to-wit, the 17th day of October, 1955 the plaintiff was

riding as a passenger in an automobile being operated on and along

Alabama highway 35 at a point thereon approximately twelve miles

East of Scottsboro, Alabama, said highway being then and there a

public highway in Jackson County, Alabama, and at said time and

place the defendant, Edward B. Byrd, an agent, servant or employee

of the defendant, Alabama Wood Preserving Co., Inc., a corporation,

while acting within the line and scope of his employment as such

agent, servant or employee, so negligently operated a motor

vehicle on ~~or along~~ said highway as to cause the said automobile in which plaintiff was riding as a passenger to be run or thrown or to skid from said public highway and to run into a ditch along side of said highway and to collide with the end of a culvert and with large rocks in or near said ditch and as a proximate result of the said negligence of defendant, Edward B. Byrd, an agent, servant or employee of the defendant, Alabama Wood Preserving Co., Inc., while acting within the line and scope of his employment as such, plaintiff, being pregnant at the time, suffered serious injuries in that her arm and various other parts of her body were bruised, she suffered shock, her female organs were injured, she suffered prolonged menstrual bleeding, her nervous system was injured, she was made nervous and anemic and she was made otherwise sick, lame and sore and was confined to bed for a long period of time and was and will continue in the future to be disabled, she suffered and will in the future continue to suffer great physical pain and mental anguish and she was permanently injured. Wherefore this suit.

McCONNELL & FOREMAN

BY Alvin McConnell
Attorneys for the Plaintiff

Plaintiff demands trial by jury.

McCONNELL & FOREMAN

BY Alvin McConnell
Attorneys for the Plaintiff

Defendants' address

Alabama Wood Preserving Co., Inc.
Robertsdale, Alabama

Edward B. Byrd
Robertsdale, Alabama

The State of Alabama
Baldwin County

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

YOU ARE HEREBY COMMANDED TO SUMMON

Thomas L. Trawick
166 South Street
Mobile, Alabama

at the instance of the _____, If he should be found in your County, personally

to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at _____

_____ First National Annex, Mobile, Alabama _____, to wit: on _____, the day of August, 1957.

at 10:00 A.M., _____, and to bring with him and produce at the time and place aforesaid, to be used as evi-

dence (here describe it),

Insurance policy, or copy thereof, issued by Farmers Fund Indemnity Company to Alabama Wood Preserving Company, Inc., being automobile liability insurance covering the oper-
ation on October 17, 1955 of truck of Alabama Wood Preserving Company, Inc., then bear-
ing license tag issued by Alabama for the year 1955, numbered 5H4105; insurance policy,
or copy thereof, of automobile liability insurance covering operation of truck operated
by Eugene Edward Byrd, also known as E.E. Byrd, on October 17, 1955 on Alabama Highway
35 at a point approximately 12 miles East of Scottsboro, Jackson County, Alabama, at
a time and place at and on which there was an automobile accident involving an auto-
mobile then being operated by James Waldrop; payroll records of Alabama Wood Preserving
Company, Inc., during the month of October 1955; copies of any and all reports or
letters by or from Alabama Wood Preserving Company, Inc. to Farmers Fund Indemnity
Company, or any other insurance company or any insurance agent or adjuster relating
to or concerning the above mentioned truck on October 17, 1955 or relating to the
automobile accident heretofore referred to; originals or copies of any and all re-
ports or letters to Alabama Wood Preserving Company, Inc. by or from Eugene E. Byrd,
in what ever name said Eugene E. Byrd made the same, relating to the operation of
the above mentioned truck on October 17, 1955 or relating to said automobile acci-
dent. Also all records of Alabama Wood Preserving Company, Inc. relating to the oper-
ation on October 17, 1955 of truck of Alabama Wood Preserving Company, Inc. then bear-
ing Alabama 1955 license tag No. 5H4105, the use and movements of said truck on said day
the load upon ~~exp~~ property being transported by said truck on said day, the origin and
destination of said load on or property in or on said truck; and all records of Ala-
bama Wood Preserving Company, Inc. relating to truck which on October 17, 1955 was
being operated by one Byrd on Alabama Highway Number 35 at a point about 12 miles
East of Scottsboro, Alabama, when there occurred at said time and place an automobile
accident involving an automobile than being operated by James Waldrop, the operation,
use and movements of said truck on said day, and the nature of and origin of and
destination of the load or property on said truck being then transported."

and then and there testify and the truth to speak concerning all and singular those things of which he may have
knowledge, or the said instrument of writing doth import of, and concerning a certain suit now pending and un-
determined in said Court, wherein _____ Pluma Waldrop
Plaintiff, and Alabama Wood Preserving Company and Eugene Edward Byrd
Defendant.
And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this
writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this 29th day of July, 1957.

Clerk.

McCONNELL & FOREMAN

ATTORNEYS AT LAW

SUITE 214 FIRST NATIONAL BANK ANNEX

MOBILE 13, ALABAMA

ALVIN McCONNELL
ALEXANDER FOREMAN, JR.
GEORGE E. McNALLY

October 30, 1957

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

Re: Waldrop Cases

Dear Mrs. Duck:

We duly received payment of the witness
certificate issued to John R. Hughes and
transferred to us, for which we thank you.

There were the following items of cost
for which we were due to be also reimbursed,
these items representing payments made by us
to the following Commissioners taking testimony:

Louise Kirby.....\$ 17.90


John Mandeville..... 37.00

Gordon L. Evatt..... 48.20

Total 103.10

Very truly yours,

McCONNELL & FOREMAN

By: 
Alvin McConnell

AMcC/s

PLUMA WALDROP,

Plaintiff,

vs.

ALABAMA WOOD PRESERVING CO.,
INC., A Corporation, et al.,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3057

Comes now the Defendant, Alabama Wood Preserving Co., Inc., a corporation, by its attorneys, and for answer to the complaint as last amended, pleads, separately and severally, the following:

1. Not guilty.

2. That at the time of the commencement of this action against this Defendant it was sued jointly with one Edward B. Byrd and that subsequent thereto this action was abated as against the said Edward B. Byrd. That this Defendant is now being sued jointly with one Eugene Edward Byrd who is alleged to be the agent, servant or employee of this Defendant and at the time the said Eugene Edward Byrd was made a party to this suit jointly with this Defendant as its alleged agent, servant or employee, the right of action against him for the alleged personal injuries of the Plaintiff was barred by the statute of limitations of one year and hence the Plaintiff cannot recover against this Defendant.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

and

CHASON & STONE

By:


Attorneys for Defendant

RECORDED

PLUMA WALDROP,

Plaintiff,

vs.

ALABAMA WOOD PRESERVING CO.,
INC., A Corporation, et al.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 3057

ANSWER

FILED

JUL 22 1957

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE


BAY MINETTE, ALABAMA

copies made


| | | |
|----------------------------------|---|-------------------------|
| PLUMA WALDROP, |) | IN THE CIRCUIT COURT OF |
| Plaintiff, |) | |
| vs. |) | BALDWIN COUNTY, ALABAMA |
| ALABAMA WOOD PRESERVING CO., |) | AT LAW |
| INC., a Corporation and |) | |
| EDWARD B. BYRD, (name changed |) | Case No. 3057 |
| by amendment to EUGENE EDWARD |) | |
| BYRD), jointly and individually, |) | |
| Defendants. |) | |

STATE OF ALABAMA,)
COUNTY OF MOBILE.)

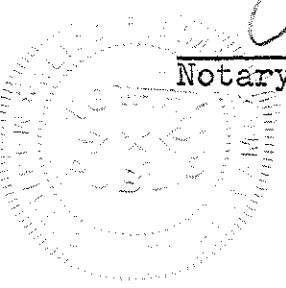
Before me, Alice F. Simms, a Notary Public in and for said State and County, personally appeared Alvin McConnell, known to me, who, being by me first duly sworn, deposes and says that he is one of the Attorneys of Record for Pluma Waldrop, Plaintiff in the above styled cause, and that the personal attendance of Officer H. E. Collins, Fort Payne, Dekalb County, Alabama, is necessary to a proper decision of this cause and that his deposition would be insufficient for that purpose.



Subscribed and sworn to
before me on this 28th
day of August, 1957.



Notary Public, Mobile County, Alabama.



| | | | |
|------------------------------|---|-------------------------|----------|
| PLUMA WALDROP, | X | | |
| Plaintiff, | X | IN THE CIRCUIT COURT OF | |
| vs. | X | | |
| | X | BALDWIN COUNTY, ALABAMA | |
| ALABAMA WOOD PRESERVING CO., | X | | |
| INC., A Corporation, et al., | X | AT LAW | NO. 3057 |
| Defendants. | X | | |

AMENDED PLEAS

Comes now the Defendant Eugene Edward Byrd, by his attorneys, and for answer to the Bill of Complaint heretofore filed against him as last amended, pleads, separately and severally, the following.

1. The Defendant Eugene Edward Byrd, for answer to the complaint, saith that this cause of action is for an alleged injury to the person of the Plaintiff and is barred by the statute of limitations of one year.

2. The Defendant Eugene Edward Byrd, for answer to the complaint as last amended, saith that at the time that he was made a party to this particular action the same had been abated and the right of action herein sued on for alleged injuries to the person of the Plaintiff is barred by the statute of limitations of one year.

3. The Defendant Eugene Edward Byrd, for answer to the complaint, saith that at the time the complaint in this cause was amended to include him as a party defendant thereto that this action had been abated and is now barred by the statute of limitations of one year.

4. That the cause of action herein sued on against this Defendant arose on October 17, 1955, and this Defendant was not made a party to this suit at the time the original complaint was filed but he was added as a party defendant to this suit and brought in as a party defendant to the complaint on November 20, 1956, more than one year after the cause of action herein sued on arose; and the Defendant alleges that this action is for personal injuries and

damages and was barred by the statute of limitations on November 20, 1956, as against this Defendant.

5. Not Guilty.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

and

CHASON & STONE

By: 
Attorneys for Defendants

PLUMA WALDROP,

Plaintiff,

vs.

ALABAMA WOOD PRESERVING CO.,
INC., A Corporation, et al.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 3057

AMENDED PLEAS

FILED

JUL 26 1957

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA



Congressional Action

A BULLETIN FOR MEMBERS OF CONGRESSIONAL ACTION COMMITTEES

August 7, 1959

To Congressional Action Committee Member:

House Rules Committee consideration of labor bills that pushed back the showdown votes in the House until Wednesday or Thursday extended your opportunities to encourage expressions of personal views to Congressmen on the merits of the Landrum-Griffin bill!

The close vote expected on the motion to substitute the Landrum-Griffin bill for the Labor Committee bill calls for continued back-home encouragement of Congressmen to resist pressures for passage of ineffective legislation.

Such pressures will be heavy. For example this headline appeared on Wednesday in the WASHINGTON POST:

200 Teamster Chiefs Converge Here to "Talk to" Congressmen

Press, radio and TV reports will suggest opportunities for follow-up communications to your Congressman, or other Congressmen from your state or area.

Note the useful ideas for expressions of informed views in the account of the Rules Committee hearings, and in the text of the President's radio-TV address.

Then...do your part to make sure that the sentiment in your community for effective labor reform legislation is fully reflected to members of Congress.

House Labor Reform Legislation Fight Reaches Voting Showdown Next Week

The House of Representatives votes next week on labor reform legislation, climaxing the longest, most bitterly-disputed consideration of a major issue before the 86th Congress.

After passage of a bill, the controversy still will not be ended finally. The next step will be for a House-Senate Conference Committee to adjust differences between measures passed by each chamber, and then finally—action on the conference committee's compromise in both houses.

Most of the House debate will continue to be centered around the choice between two bills:

1. H.R. 8342 reported by the House Labor Committee, known as the Elliott bill, and generally considered to be less effective as an instrument for labor reform than the bill passed by the Senate, S. 1555.

2. H.R. 8400, the bi-partisan bill introduced by Rep. Phil Landrum (D-Ga.) and Rep. Robert Griffin (R-Mich.) who firmly assert the legislation is the "minimum requirement" for effecting basic reforms.

A third bill, introduced by Rep. John Shelley (D-Calif.), a self-identified Teamster union member, along with 40 openly-avowed pro-labor congressmen, also will be before the House, but is not expected to command the attention accorded H.R. 8400 and H.R. 8342.

Rules Committee Furnishes Debate Pre-view

Two days of hearings this week before the powerful House Rules Committee which acts as a legislative "traffic cop" in steering bills to the floor, provided a stage for a pre-view of the coming floor debate on the merits and demerits of the legislation.

Fifteen members of the 30-member House Labor Committee appeared as witnesses before the Rules Committee. Their statements, and answers to questions and observations, which follow, may help to bring into focus the basic issues:

Rep. Graham Barden (D-N.C.), Chairman of the House Labor Committee—The long weeks of Labor Committee hearings "have been the most trying experience in my life." It could have been a "pleasant experience" but for the "reprehensible actions of some people."

"Hoffa's folks and the AFL-CIO attempted to move into the building and take over and run the Committee as they saw fit..."

"Some people have come to think that laws were not made for them... Many have usurped or assumed to themselves more power than a bad man should have or a good man should want..."

"... It was my plea then and now that a bill reach the House of Representatives where at least the members of the

(Please turn the page)

Labor Reform

House might be able to work their will in the production of a bill. The problem is big enough . . .

"I have never seen more interest coming from the people of the country on a piece of legislation since the days of Taft-Hartley."

No Practical Advice from Labor

Rep. Barden noted that the Taft-Hartley Act was passed more than a decade ago and had never been repealed or seriously amended, and added:

"I asked a labor man who has been in the field for years, I said, 'You are bound to know we must have some new laws. Why don't you help us and come up with some practical help? What suggestion do you have?'"

"His answer was—'I suggest Congress go home and sleep another 10 years'."

Rep. Griffin, co-author of H.R. 8400—"This (bill) doesn't in any way affect the right of unions to negotiate union shop contracts."

"I am not for a national right-to-work law myself, but if we (Congress) are going to condone compulsory unionism . . . then the Government must have some control."

"We are really keeping three underlying principles—(1) employees should be free from domination and coercion by employers or unions in their choice of selection of a bargaining agent; (2) labor disputes should be confined as much as possible to parties involved and not to third parties; (3) there should be some Federal law guaranteeing the rights of democracy within a union . . ."

"Our bill is the minimum bill that a responsible Congress could pass . . ."

CO-AUTHOR OF LANDRUM-GRIFFIN BILL WARNS OF ATTEMPTS TO MIS-LABEL IT AS "UNION-BUSTING" . . . "ANTI-LABOR" . . . "VICIOUS" IN THIS REPRINT FROM CONGRESSIONAL RECORD.

LABOR MANAGEMENT REFORM BILL

Mr. GRIFFIN. Mr. Speaker, when I joined recently with the distinguished cochairman of the House Labor-Management Reform Subcommittee, the gentleman from Georgia [Mr. LANDRUM], in introducing our substitute reform bill, we described it as "moderate but effective."

In general, the press coverage that has been accorded our substitute bill has been fair, accurate and objective. However, as might be expected, in some quarters the bill was quickly tagged as "extreme," "vicious," and "antilabor."

Whether we like it or not, apparently a battle of tags and labels is on. Unfortunately, in such a skirmish, the facts are too often brushed aside and ignored.

Those who seek to put our substitute bill in proper perspective would do well to start by reviewing an editorial statement made by one of the Nation's leading liberal (and certainly not antilabor) newspapers, the Washington Post and Times Herald.

On March 8, 1959, the Washington Post and Times Herald said editorially:

It is common practice for the Teamsters to tell small employers to deliver their em-

ployees into the union—or else. The "or else" may be either blackmail picketing or a secondary boycott against the victims, or both.

Secretary of Labor Mitchell has proposed amendments to the Kennedy-Ervin bill that would strike at these additional abuses of the picket line. His suggestions are moderate and reasonable, but, of course, not sacrosanct.

On May 19, 1959, another of the Nation's leading liberal newspapers, the St. Louis Post-Dispatch, stated editorially:

Secretary Mitchell's proposed curbs on certain secondary boycotts certainly should be written into the bill. The Senate left it out in favor of a "hot cargo" clause.

Similarly, Secretary Mitchell's complete proposal for dealing with blackmail picketing ought to go into the bill, instead of the weaker version which the Senate adopted.

In the light of such editorial comment, which is only typical of views expressed in leading newspapers all over the country, it is interesting to review once again just what is in the substitute bill which the gentleman from Georgia [Mr. LANDRUM] and I have proposed. The major differences between the committee bill and the substitute are as follows:

First. The bill of rights in the substitute is essentially the bill of rights in the form passed by the Senate—instead of

Rep. Landrum, co-author of H.R. 8400—The "real lethal weapons" giving corruption-breeding power to labor union bosses can be eliminated by the Landrum-Griffin amendments to the Taft-Hartley Act.

Rep. Landrum said he referred to provisions concerning hot cargo contracts and secondary boycotts, blackmail picketing and the "no man's land" jurisdictional gap.

"We prohibit hot cargo under all circumstances, period . . ."

"We believe that secondary boycotts are wrong. They can't be just a 'little bit right' or a 'little bit wrong'—they are wrong in all circumstances. We ban secondary boycotts, period."

Rep. Landrum cited the case of a small restaurant-motel owner whose employees refused to join a union. As a consequence, the firm underwent more than 900 days of "blackmail picketing" until the businessman was financially ruined.

"Our bill is the only bill that will do anything about this . . . while the committee bill would only outlaw picketing after an election has been held."

As for solving the "no man's land" problem, Rep. Landrum said H.R. 8400 would provide relief for thousands of small employers and small unions by restoring the rights of state courts to hear labor dispute cases which have little bearing on interstate commerce.

Rep. John Rhodes (R-Ariz.) —"Hoffa really wants the Committee bill (H.R. 8342) but is pretending radical opposition to it" in an effort to build public support for its passage over H.R. 8400.

"Hoffa is trading on his own unpopularity to attempt the most brilliant sneak play of his entire career."

the weak and watered-down version adopted by the House committee.

Second. The Senate-passed bill contains a provision making it a Federal crime for any person to deprive a union member of the rights guaranteed under the Act through force or violence. The House committee struck out this provision. The substitute would restore it.

Third. Titles II, III, IV, V, and VI of the substitute, dealing with reporting, trusteeships, elections, and other safeguards, are almost identical to the provisions in the committee bill. One important difference: the committee bill seriously weakens existing law by automatically exempting nearly 70 percent of all labor unions from reporting; our substitute bill would require all unions to report, but the Secretary of Labor could prescribe simplified forms for smaller unions.

Fourth. The most important, and apparently the most controversial, difference between the bills is the fact that the substitute in title VII contains provisions, generally in line with proposals made by Secretary Mitchell, to deal with the abuses of blackmail picketing and secondary boycotts. . . .

Developments on Major Issues

INFLATION AND SPENDING CONTROL

Housing-Urban Renewal—A new omnibus housing bill was approved by a Senate sub-committee this week, but the rewritten legislation fails in many respects to meet the objections cited by President Eisenhower in his veto of an earlier measure.

After voting down, 5-4, a motion to urge the Senate to override the veto of the first bill (S. 57), the Senate Banking and Currency sub-committee on housing sent the new bill to the full Committee which is expected to act on it Tuesday, Aug. 11.

Although the dollar amounts were trimmed under S. 57, the overall spending authorizations in the sub-committee's bill still exceed the President's budget message recommendations.

Here are some of the bill's principal provisions compared with the President's recommendations:

Urban renewal grants—\$550 Million, plus \$100 Million to be spent at the President's discretion for cities under 100,000 population, to be used in the period ending Oct. 1, 1961.

—*President Eisenhower recommended \$250 Million for urban renewal in the fiscal year ending June 30, 1960.*

Public housing—37,000 new units authorized.

—*The President did not ask for any new units.*

College housing—\$250 Million in new federal loans.

—*The President asked for \$200 Million for the college housing program.*

College classrooms—\$50 Million for a new federal loan program.

—*The President made no request for college classrooms.*

(In his veto of S. 57 which called for even higher authorizations for college housing and classrooms, the President said: "Although the amounts initially authorized would be relatively small, the eventual demand for these loans would reach staggering proportions. The extent that these and other programs merely displace private financing they lead to Federal spending that is entirely unnecessary.")

Housing for elderly persons—\$50 Million for a new program.

—*The President said in his S. 57 veto message that "needs in this area can be adequately met by private funds invested under the protection of Federal insurance."*

"Back Door Spending" Retained

In addition, the sub-committee's bill retains the highly objectionable "back door spending" method for financing both the college housing and classrooms programs. This is the financing procedure by which agencies can pay for programs out of funds they borrow directly from the Treasury, by-passing annual approval and review by the Appropriations Committee.

The sub-committee's approval of "back door spending" apparently means that a previously-heralded Senate probe of this financing method has been quietly "swept under the rug" by the Senate leadership.

An implied agreement that an investigation would be un-

dertaken was reached July 2 by Majority Leader Johnson (D-Tex.) and Minority Leader Dirksen (R-Ill.).

After the blocking of a parliamentary motion which would have imposed anti-back door restraints on foreign aid authorizations, the following exchange concerning the proposed probe took place on the Senate floor:

Mr. DIRKSEN: Mr. President, in our discussion this morning, I made the following suggestion to the majority leader: It is quite evident that this question will arise again from time to time. I believe there should be a Senate resolution to instruct the Committee on Rules and Administration to give consideration to this problem all over again. After all, this matter is a challenge to Congress, and it is a challenge to every agency of the Government.

We do have an understanding that a resolution will be developed, under which the Committee on Rules and Administration can give the subject further attention in the hope that this difficulty will be settled.

Mr. JOHNSON of Texas: I quite agree with the distinguished minority leader. I have talked with the chairman of the Committee on Appropriations and the chairman of the Committee on Rules and Administration about the matter. I will work with the Parliamentarian in the next few days in an attempt to have some material prepared and submitted to the Committee on Rules and Administration.

No Action Slated

But since that date, there has been no announcement or indication of action to set the study in motion.

On the controversial question of Federal urban renewal grants, the sub-committee bill also ignores another recommendation of Mr. Eisenhower.

Left out was the President's request for gradual reduction of the Federal share of the cost of urban renewal projects to 50 per cent from the present two-thirds now put up by the Federal Government. S. 57 also omitted this request.

Area Redevelopment—A drive to pump new life into the Senate-passed area redevelopment bill (S. 722) was opened last week by proponents who apparently fear it will be a session-ending casualty.

A special press conference was called by a six-man group, headed by Sen. Douglas (D-Ill.) and Rep. Spence (D-Ky.), sponsors of the proposal in the respective houses.

The House Banking Committee's version of S. 722, providing \$251 Million in loans and grants for chronically-distressed areas, has been before the House Rules Committee since May 14. That Committee has shown no disposition to act on a request that the bill be cleared for debate on the floor.

As passed by the Senate, 49 to 46 last March, S. 722 would provide \$389.5 Million in loans and subsidies for both urban and rural areas.

The House Committee cut back the amount, apparently hoping to gain more support for the measure, and lessen the chance of a Presidential veto. Last year, Mr. Eisenhower killed a \$279 Million loans-grants bill through a "pocket" veto after Congress adjourned.

Mutual Security—The Senate Appropriations Committee this week was asked to restore approximately \$400 Million

(Please turn the page)

Developments on Major Issues

which the House had cut from the Administration request for foreign aid spending.

A State Department spokesman, at a closed door session, urged the Senate Committee to vote the full \$3,576,795,000 sought for fiscal 1960. Last week, the House voted an appropriation of \$3,186,500,000.

The total approved by the House was \$742,495,000 less than the President requested, and more than \$369,700,000 under the \$3,556,200,000 ceiling set in the authorization bill signed last week by Mr. Eisenhower.

The appropriations bill carries \$1.3 Billion for military aid, \$700 Million for defense support, \$550 Million for the development loan fund, \$200 Million for special assistance, \$181.5 Million for technical cooperation, and \$100 Million for various other programs.

GOV'T CONTROLS ON BUSINESS

Minimum Wage-Hour Law—A new statistical analysis from the Senate Labor Subcommittee this week places the number of employees who would be brought under a proposed expansion of the Federal minimum wage and hour law at 10,730,000.

The subcommittee's version of the Kennedy bill (S. 1046) to raise the hourly minimum to \$1.25 and expand coverage is pending before the full Committee. There was no indication of the Committee's future course on the proposal—an underscored legislative objective of Democratic leaders in Congress.

More than 8,000,000 of the 10,730,000 new workers who would be covered, if the bill is enacted, would be those employed in retail firms and service establishments. Previous estimates had put the figure of workers to be blanketed in this category at 6,000,000.

Hearings by the House Labor Committee on a companion (H.R. 4488) to the Kennedy bill now appear unlikely before this session of Congress adjourns some time next month.

Due to the intense, drawn-out controversy over labor legislation which has occupied a majority of the committee for so many weeks, it does not look as if members would welcome an equally-heated time with minimum wage legislation.

But the Democratic leadership reportedly has made the issue one for earliest consideration when the Second Session of the 86th Congress convenes next January.

In addition to H.R. 4488 by Rep. Roosevelt (D-Calif.), about 50 similar proposals to amend the Wage and Hour Act are pending before the House Committee.

GOV'T COMPETITION WITH BUSINESS

Tennessee Valley Authority—Unusual Senate maneuvering this week left President Eisenhower with a particularly

vexing problem of whether to sign or veto the TVA revenue bond financing bill by an Aug. 7 midnight deadline.

Mr. Eisenhower had voiced obvious disapproval of one section of the bill (H.R. 3460) which would permit TVA to by-pass the Budget Bureau and go directly to Congress for approval of its financing plans.

The President made it clear he regarded this as an invasion of the Chief Executive's constitutional power to exercise restraints and administrative direction over a branch of the executive establishment.

In attempt to reassure him, the Senate quickly cleared for the Senate floor a bill eliminating this objectionable feature. Senate Leader Johnson said it had been cleared for passage as soon as the President signed the bill.

While this "gentleman's agreement" existed in the Senate, there was no report of equal assurance the new bill (S. 2471) would have the same clear sailing through the House.

Failure of the House to act in accord with the Senate would mean that with Mr. Eisenhower's signature, H.R. 3460 would become law—objectionable feature, and all.

FEDERAL INTERVENTION IN STATE AND LOCAL AFFAIRS

School Construction—Teachers' Salaries—The \$4.4 Billion Federal subsidies bill (H.R. 22) to finance school construction and pay teachers' salaries still is dormant before the House Rules Committee.

But, in the opinion of Secretary Flemming of the Department of Health, Education and Welfare, there is still a chance of action this session of Congress on proposed Federal grants for schools and salaries.

A reporter's observation at a press conference that H.R. 22 appeared to be dead in the Rules Committee, brought this response from Mr. Flemming:

"I don't accept that assumption. I think that Congress will pass an aid-to-education act."

On Capitol Hill, however, there is no evidence of a legislative push to force the bill from the Committee to the House floor.

NATIONAL SECURITY

Defense—Congress passed and sent to the President this week a conference committee's bill calling for \$39,248,200,000 in defense spending in fiscal 1960.

The amount in the bill (H.R. 7454) was \$20 Million less than the President's request.

The House-Senate Conference Committee total was about \$300 Million less than the amount originally voted by the Senate, and \$40 Million more than the House had approved.

Congressional Action is published weekly during sessions of Congress at the Chamber of Commerce of the United States, 1615 H Street, N.W., Washington 6, D. C. Subscription rates: \$3.00 per year; Subscriptions accepted from members only. Second-class postage paid at Washington, D. C.

Congressional Action

Chamber of Commerce of the United States
1615 H Street, N. W., Washington, D. C.

Mr. John Duck
P. O. Box 296
Fairhope, Ala.

Second-class postage paid
at Washington, D. C.

NEWSPAPER

Highlights of the President's Television-Radio Address on

LABOR REFORM LEGISLATION

I want to discuss with you tonight an issue of great importance to every man, woman and child in this nation. It is above any partisan political consideration. It affects every American, regardless of occupation, regardless of political affiliation.

I speak of labor reform legislation.

In these few minutes I hope to place before you some salient facts affecting this matter so that you may more fully understand what is at stake.

This nation needs a Federal law to meet the kind of racketeering, corruption, and abuses of power disclosed in many instances by the Senate Investigating Committee headed by Senator McClellan. For two years, I have advocated such a law.

For many months, newspapers have carried extensive accounts of racketeering and corruption in labor-management matters. Many of you have actually witnessed disclosures of this corruption on television in your own homes. It is a national disgrace.

The legislation we need has nothing to do with wages -- or strikes -- or problems we normally face when employers and employees disagree. Nor am I talking of any new approach to collective bargaining. Nor about any new labor-management philosophy. I am talking about a reform law -- a law to protect the American people from the gangsters, racketeers, and other corrupt elements who have invaded the labor-management field...

After all -- employers and unions operate in this field under the sanction and protection of Federal law. The people very properly look to their government to pass effective laws to stop abuses.

To date, legislation to correct these deplorable conditions has not been enacted. Meanwhile, the evidence of abuses has continued to mount before Congressional Committees. Chief among the abuses from which Americans need protection are oppressive practices of coercive picketing and secondary boycotting.

Take a company in the average American town -- your town. A union official comes in to the office, presents the company with a proposed labor contract, and demands that the company either sign or be picketed. The company refuses, because the employees don't want to join that union. And remember, the law clearly gives employees the right to have or not to have a union -- clearly a basic American right of choice.

Then what happens? The union official carries out the threat and puts a picket line outside the plant -- to drive away customers -- to cut off deliveries. In short, to force the employees into a union they do not want. This is one example of what has been called blackmail picketing. This could force the company out of business and result in the loss of all the jobs in the plant.

I want that sort of thing stopped. So does America.

Take another company -- let us say, a furniture manufacturer. The employees vote against joining a particular union. Instead of picketing the furniture plant, the union uses another scheme. It pickets the stores which sell the furniture this plant manufactures. Its purpose is to prevent those stores from handling that furniture.

How can anyone justify this kind of pressure against stores which are not involved in any dispute. They are innocent bystanders. This kind of action is designed to make the stores bring pressure on the furniture plant and its employees -- to force those employees into a union they do not want. That is an example of a "secondary boycott".

I want that sort of thing stopped. So does America.

The blackmail picket line and the secondary boycott cannot possibly help the working men and women of America.

Another important problem is that of the so-called "No-Man's Land." Under existing law, the States have practically no authority over labor cases, according to Supreme Court decision.

Here, then, is a typical example of what happens in this situation. A labor dispute occurs at a small plant. The union -- or the employer -- goes to the Federal Labor Board. The Board says the case is too small for Federal action -- because it has only a small effect on interstate commerce. Then, the union, or the employer, goes to State officials, who can't do anything because the States have no authority. That leaves the worker and his employer in this "No-Man's-Land" -- cut off from Federal or State help.

What is the result? The disputing parties have no recourse to law. So, all too often, the dispute is "settled" -- if we can use such a word -- by force, by a test of strength between them.

I want the "No-Man's-Land" abolished, because I believe that small unions and small business have rights, just as everyone else. I want to give the States authority to deal with cases the Federal Board cannot and should not handle and, by all means, we must not bring every case to the Federal level, as some have proposed. In this kind of situation the States can act more promptly and more effectively than can the Federal Government.

Any reform bill worthy of the name must also protect the individual rights of union members -- within their unions. It must assure them of fair elections. It must assure them of honest handling of their money -- money made up by dues often collected under auspices of Federal law. It must also give the government effective authority to investigate and enforce these provisions. Unless it does these things -- and deals effectively with the problems of coercive picketing, boycotting, and the "No-Man's-Land" -- it is not a reform bill at all.

Now let us examine what Congress has done so far this year. Has its action measured up to the requirements I have outlined to protect the American people? I regret to say that, as yet, the answer is no -- definitely no.

The bill which passed the Senate in April is not effective. It does not deal with or curb the picketing or boycotting practices I have described. And while it purports to deal with the "No-Man's Land", it gives no real relief.

In the House of Representatives, the Labor Committee bill is even less effective than the Senate bill. It, too, fails to deal with picketing and boycotting practices I have described. Its provisions relating to the "No-Man's-Land" go precisely in the wrong direction. And it actually exempts about 70% of all unions from reporting on their finances. It even removes criminal penalties against those who violate the rights of union members.

To sum up, neither the Senate bill nor the House Committee bill will really do the job -- to curb the abuses the American people want to see corrected.

However, Congress need not limit itself to such a choice.

The Administration bill is still before the Congress. There is also before the House a bipartisan bill jointly sponsored by two Members of the House Labor Committee -- Mr. Landrum of Georgia, a Democrat, and Mr. Griffin of Michigan, a Republican. The Landrum-Griffin bill is a good start toward a real labor reform law, containing many of the corrections I have urged.

Again I emphasize: Labor reform is not a partisan matter. I don't come before you in any partisan sense. I am not a candidate for office. I do not seek the support of any special interests. I am only trying to make sure American workers and the American public get the kind of protection that Americans deserve.

Nearly one hundred years ago Abraham Lincoln spoke of the sacrifices made so that "government of the people, by the people, for the people, shall not perish from the earth."

In our lives and actions, the people of America, in private and public sectors, daily face millions of choices with this continuing question always in the background.

As the Congress prepares to vote on labor reform, this great question is still and always with us. In the basic sense, the real issue is: Shall the people govern? If they do not, crooks and racketeers could prevail.

This business of government -- including this question of labor reform -- is your business. It is every citizen's business.

Americans want reform legislation which will be truly effective. It is my earnest hope that the Congress will be fully responsive to an overwhelming national demand.

| | | |
|---------------------------|---|-------------------------|
| PLUMA WALDROP, | X | |
| Plaintiff, | X | IN THE CIRCUIT COURT OF |
| vs. | X | BALDWIN COUNTY, ALABAMA |
| | X | AT LAW NO. 3057 |
| ALABAMA WOOD PRESERVING | X | |
| COMPANY, INC., a Corpora- | X | |
| tion, ET AL., | X | |
| Defendants. | X | |

NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION

TO: HON. ALVIN McCONNELL, ATTORNEY AT LAW, FIRST NATIONAL BANK ANNEX, MOBILE, ALABAMA, ATTORNEY FOR PLUMA WALDROP, PLAINTIFF.

Please take notice that the deposition of James Waldrop, whose address is Davidson's Stand, Jackson County, Alabama, will be taken upon oral examination on Friday, August 30, 1957, at 9:00 o'clock A. M. before Gordan Evatt, Official Court Reporter for the 9th Judicial Circuit of Alabama in the Office of the Circuit Clerk of Jackson County, Alabama, in the Jackson County Courthouse in Scottsboro.

CHASON & STONE

By: M. Chason & N. Stone, Jr.
Attorneys for Defendants

I, Norborne C. Stone, Jr., one of the attorneys of record for the Defendants in the above styled cause, do hereby certify that I have this day served a copy of the foregoing notice upon Hon. Alvin McConnell, attorney of record for the Plaintiff.

Done this 23rd day of August, 1957.

Norborne C. Stone, Jr.
Norborne C. Stone, Jr.

FILED
AUG 23 1957
ALICE J. DUCK, Clerk

FILED
AUG 23 1957

ALICE J. DUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

McCONNELL & FOREMAN

ATTORNEYS AT LAW

SUITE 214 FIRST NATIONAL BANK ANNEX

MOBILE 13, ALABAMA

ALVIN McCONNELL
ALEXANDER FOREMAN, JR.
GEORGE E. McNALLY

December 12, 1956

Miss Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

Re: Pluma Waldrop
vs.
Alabama Wood Preserving Co., et al
Case No. 3057
Our File No. 56-2062-GM

Dear Miss Duck:

Enclosed herewith please find Motion by the Plaintiff to vacate the Ruling of November 20, 1956 that Plea in Abatement as to Defendant Eugene Edward Byrd is sustained.

A Motion by the Defendant in the case of James Waldrop vs. Eugene Byrd, No. 3059 is set for December 18, 1956 and it will be appreciated if you will set the enclosed Motion for hearing at the same time.

We are forwarding a copy of this letter and the enclosed Motion to Mr. Alex Howard, Jr., Attorney for Eugene Edward Byrd.

Very truly yours,

McCONNELL & FOREMAN

By:


Alvin McConnell

AMcC/s

Enc.

cc: Mr. Alex Howard, Jr.,
Attorney at Law
Merchants National Bank Bldg.,
Mobile, Alabama

McCONNELL & FOREMAN

ATTORNEYS AT LAW

SUITE 214 FIRST NATIONAL BANK ANNEX

MOBILE 13, ALABAMA

ALVIN McCONNELL
ALEXANDER FOREMAN, JR.
GEORGE E. McNALLY

October 12, 1956

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

RE:

James Waldrop vs
Alabama Wood Preserving Co., Inc.

James Waldrop vs. Edward B. Byrd

Pluma Waldrop vs
Alabama Wood Preserving Co., Inc. &
Edward B. Byrd

Dear Mrs. Duck:

Enclosed herewith please find Summons and Complaint in each of the above styled cases for filing.

We call your attention to the fact that the last day on which these complaints may be filed within the statute of limitations is October 16th. Therefore, will you please file these complaints immediately upon receipt of this letter.

The necessary copies in each suit are of course likewise enclosed.

Very truly yours,

McCONNELL & FOREMAN

BY


ALVIN McCONNELL

AMcC/sr

enc.

The State of Alabama
Baldwin County

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

YOU ARE HEREBY COMMANDED TO SUMMON Eugene Edward Byrd,

Robertsdale, Alabama

at the instance of the State, If he should be found in your County, personally
to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court
~~House~~ in 211 First National Annex Mobile, Alabama 16th the day of August, 1957
at 10:00 A. M, and to bring with him and produce at the time and place aforesaid, to be used as evi-
dence (here describe it),

His automobile drivers license; copies of any and all reports made by him to Alabama
Wood Preserving Company, Inc., Firemens Fund Indemnity Company, any insurance com-
pany or insurance agent, and any other person, firm or corporation relating to an
automobile accident which occurred October 17, 1955 on Alabama Highway 35 approxi-
mately 12 miles East of Scottsboro, Jackson County, Alabama, in which an automobile
operated by James Waldrop was involved;

and then and there testify and the truth to speak concerning all and singular those things of which he may have
knowledge, or the said instrument of writing doth import of, and concerning a certain suit now pending and un-
determined in said Court, wherein Pluma Waldrop

Plaintiff, and Alabama Wood Preserving Company Eugene Edward Byrd Defendant.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this
writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this 29th day of July, 1957

W. J. Duke
Clerk.

S U M M O N S

STATE OF ALABAMA

COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon Alabama Wood Preserving Co., Inc., a corporation and Edward B. Byrd to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same and then and there to plead, answer or demur to the complaint of Pluma Waldrop.

Witness my hand this 13 day of October, 1956.

Reice J. Smith
CLERK

 C O M P L A I N T

PLUMA WALDROP

Plaintiff

vs

ALABAMA WOOD PRESERVING CO.,
INC., a corporation and EDWARD
B. BYRD, jointly and individually

Defendants

) IN THE CIRCUIT COURT OF

)

) BALDWIN COUNTY, ALABAMA

)

) AT LAW

)

) Case No. _____

 COUNT ONE

Plaintiff claims of the defendants the sum of Fifty Thousand and no/100 (\$50,000.00) Dollars as damages, for that, heretofore, and on, to-wit, the 17th day of October, 1955 the plaintiff was riding as a passenger in an automobile being operated on and along Alabama highway 35 at a point thereon approximately twelve miles East of Scottsboro, Alabama, said highway being then and there a public highway in Jackson County, Alabama, and at said time and place the defendant, Edward B. Byrd, an agent, servant or employee of the defendant, Alabama Wood Preserving Co., Inc., a corporation, while acting within the line and scope of his employment as such agent, servant

Copy

CIVIL SUBPOENA — ~~ORIGINAL~~ — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 3057 Fall TERM, 1957

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded to Summon

M. C. Haynes,

Section, Jackson Co. Ala.

if to be found in your County, at the instance of the Plaintiff

to be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 9:00 o'clock of the forenoon, on the 10th day of September, 1957, and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein Fluma Waldrop, Plaintiff and Alabama Wood Preserving Company Defendant.

Herein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 31st day of August, 1957

David J. Blum Clerk.

CIVIL SUBPOENA — ~~ORIGINAL~~ — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 3057

Fall

TERM, 195 7

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded to Summon

John R. Hughes
Plaintiff, Jackson Co. Ala.

if to be found in your County, at the instance of the Plaintiff

to be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 9:00 o'clock of the forenoon, on the 10th day of September, 195 7, and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein Flora Waldrop, Plaintiff and Alabama

Wood Preserving Company Defendant.

Herein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 31st day of August, 195 7.

W. J. Smith Clerk.

PLUMA WALDROP,

Plaintiff,

vs.

ALABAMA WOOD PRESERVING CO.,
INC., a Corporation and
EDWARD B. BYRD, (name changed
by amendment to EUGENE EDWARD
BYRD), jointly and individually,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Case No. 3057

STATE OF ALABAMA,)

COUNTY OF MOBILE.)

Before me, Alice F. Simms, a Notary Public in and for said
State and County, personally appeared Alvin McConnell, known to me,
who, being by me first duly sworn, deposes and says that he is one
of the Attorneys of Record for Pluma Waldrop, Plaintiff in the
above styled cause, and that the personal attendance of
John R. Hughes, Route 2, Pisgah, Jackson County, Alabama, is
necessary to a proper decision of this cause and that his deposition
would be insufficient for that purpose.

Alvin McConnell

Subscribed and sworn to

before me on this 28th

day of August, 1957.

Alice F. Simms
Notary Public, Mobile County, Alabama.

Plaintiff,

V.S.

ALABAMA WOOD PRESERVING CO.,
INC., a corporation and EDWARD
B. BYRD, jointly and individually,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW NO. 3057.

Now comes EUGENE EDWARD BYRD and appears specially in the above styled cause for the sole purpose of filing this plea in abatement and for no other purpose and says as follows:

That, heretofore, and on, to-wit, the 18th day of October, 1956, he was served with a copy of the complaint and summons in the above styled cause in which one Edward B. Byrd is named as a party defendant; that his full name is Eugene Edward Byrd; that he is now known as and has at all times heretofore been known as E. E. Byrd and has never gone under the name of Edward B. Byrd and has never been known as Edward B. Byrd.

WHEREFORE, the said Eugene Edward Byrd prays that said suit be abated insofar as he is concerned or in lieu thereof that said service of process upon him be quashed.

Eugene Edward Byrd
EUGENE EDWARD BYRD

STATE OF ALABAMA,
MOBILE COUNTY.

Before me, Wilhelm H. S. Huerfano, a Notary Public in and for said State and County, personally appeared Eugene Edward Byrd, also known as E. E. Byrd, who is known to me, and who being by me first duly sworn, says that all of the facts set forth in the above and foregoing plea are true and correct.

Eugene Edward Byrd
EUGENE EDWARD BYRD

Sworn to and subscribed before
me this 24th day of November, 1956.

Winfred H. Schwarz
Notary Public, Mobile County, Alabama.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By W. L. Howard
Attorneys for Eugene Edward Byrd

| | | |
|------------------------------------|---|----------------------------|
| PLUMA WALDROP, |) | |
| Plaintiff, |) | IN THE CIRCUIT COURT |
| vs. |) | OF BALDWIN COUNTY, ALABAMA |
| ALABAMA WOOD PRESERVING CO., |) | AT LAW |
| INC., a Corporation and EDWARD |) | Case No. 3,057 |
| B. BYRD, jointly and individually, |) | |
| Defendants. |) | |
| |) | |

Comes now the Plaintiff in the above styled cause and respectfully moves the Court to vacate and set aside the Ruling or Order made and entered in this cause on November 20, 1956, bench note of which reads as follows: "11-20-56 Plea in Abatement as to Defendant Eugene Edward Byrd sustained" and to re-hear and re-consider the motion or pleading to which said Ruling or Order relates, filed in this cause by Eugene Edward Byrd on or about November 8, 1956 praying that "said suit be abated insofar as he is concerned or in-lieu thereof that said service of process upon him be quashed", and as grounds therefor sets down and assigns the following:

1. The Court is in error in making said Ruling or Order.
2. Said Ruling or Order is contrary to the evidence presented on the hearing of said motion or pleading.
3. Said Ruling or Order is contrary to the law in such cases made and provided.

McCONNELL & FOREMAN

By: Alvin McConnell
Attorneys for Plaintiff.

| | | |
|------------------------------------|---|-------------------------|
| PLUMA WALDROP, |) | IN THE CIRCUIT COURT OF |
| Plaintiff, |) | |
| vs. |) | BALDWIN COUNTY, ALABAMA |
| ALABAMA WOOD PRESERVING CO., |) | AT LAW |
| INC., a Corporation and EDWARD |) | |
| B. BYRD, jointly and individually, |) | Case No. 3057 |
| Defendants. |) | |

STATE OF ALABAMA,)
COUNTY OF MOBILE.)

Before me, Alice F. Simms, a Notary Public in and for said State and County, personally appeared Alvin McConnell, known to me, who, being by me first duly sworn, deposes and says that he is one of the Attorneys of Record for Pluma Waldrop, Plaintiff in the above styled cause, and that the personal attendance of Officer H. E. Collins, Fort Payne, Dekalb County, Alabama, is necessary to a proper decision of this cause and that his deposition would be insufficient for that purpose.

Alvin McConnell

Subscribed and sworn to
before me on this 26th
day of February, 1957.

Alice F. Simms
Notary Public, Mobile County, Alabama.

FILED
FEB 27 1957
ALICE L. HUGH, Clerk

PLUMA WALDROP

Plaintiff

VS

ALABAMA WOOD PRESERVING CO.,
INC., a corporation and
EUGENE EDWARD BYRD, jointly
and individually

Defendants.

IN THE CIRCUIT COURT OF

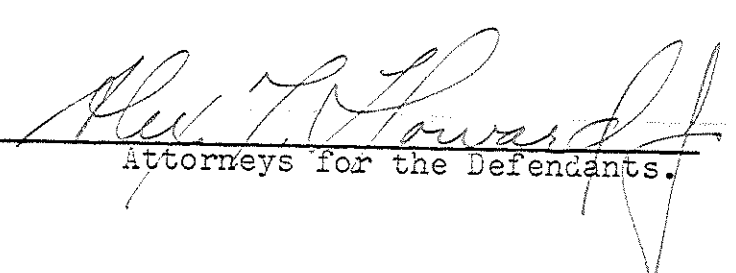
BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. 3057.

Now come the Defendants in the above styled cause
and demur to the complaint in said cause, as amended, and
as grounds therefore assign separately and severally all
grounds for demurrer heretofore assigned to the original
complaint in said cause by the Defendant, Alabama Wood
Preserving Co., Inc.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS.

By :


Attorneys for the Defendants.

①

| | | |
|------------------------------|---|-------------------------|
| PLUMA WALDROP, |) | IN THE CIRCUIT COURT OF |
| Plaintiff, |) | |
| vs. |) | BALDWIN COUNTY, ALABAMA |
| ALABAMA WOOD PRESERVING CO., |) | AT LAW |
| INC., A Corporation, et al., |) | |
| Defendants. |) | CASE No. 3057 |

Comes now the Plaintiff in the above styled cause and moves the Court to strike plea number 2 heretofore filed in this cause by the Defendant Alabama Wood Preserving Co., a Corporation, and as grounds therefor sets out and assigns the following, separately and severally:

1. Because said plea is not verified by affidavit as required by Title 7 Section 226 Code of Alabama 1940.
2. Because said plea is irrelevant.
3. Because said plea is frivolous.
4. Because said plea does not contain a single element of a valid defense.

McCONNELL & FOREMAN

By: Phineas McConnell
Attorneys for Plaintiff.

FILED
AUG 23 1957
ALICE J. DUCK, Clerk

20

PLUMA WALDROP,) IN THE CIRCUIT COURT OF
 Plaintiff,)
 vs.) BALDWIN COUNTY, ALABAMA
 ALABAMA WOOD PRESERVING CO.,) AT LAW
 INC., A Corporation, et al.,)
 Defendants.) CASE No. 3057

Comes now the Plaintiff in the above styled cause and moves, separately and severally, to strike, separately and severally, please numbered respectively, number 1, number 2, number 3 and number 4, as amended, respectively, heretofore filed in this cause by Defendant Eugene Edward Byrd, and as grounds therefor sets out and assigns the following, separately and severally:

1. Because said plea is not verified by affidavit as required by Title 7 Section 226 Code of Alabama 1940.
2. Because said plea is irrelevant.
3. Because said plea is frivolous.
4. Because said plea does not contain a single element of a valid defense.

McCONNELL & FOREMAN

By: *Alvin McConnell*
 Attorneys for Plaintiff.

FILED
 AUG 23 1957
 ALICE J. DUCK, Clerk

(6)

| | | |
|------------------------------|---|-------------------------|
| PLUMA WALDROP, |) | IN THE CIRCUIT COURT OF |
| |) | |
| Plaintiff, |) | BALDWIN COUNTY, ALABAMA |
| vs. |) | |
| ALABAMA WOOD PRESERVING CO., |) | AT LAW |
| INC., A Corporation, et al., |) | |
| Defendants. |) | CASE No. 3057 |

Comes now the Plaintiff in the above styled cause and demurs, separately and severally, to pleas numbered respectively, number 1, number 2, number 3 and number 4, as respectively amended, heretofore filed in this cause by the Defendant Eugene Edward Byrd, and as grounds therefor sets down and assigns the following, separately and severally:

1. Because the allegations of said plea do not constitute a defense to the Complaint as amended.
2. Because said plea presents no defense to the Complaint as amended.
3. Because said plea fails to allege facts constituting a defense to the Complaint as amended.
4. Because said plea neither traverses nor confesses and avoids the allegations of the Complaint as amended.
5. Because the material allegations of said plea are mere conclusions of the pleader.
6. Because from aught that appears, the Defendant is the Defendant in the Complaint as originally filed in this cause.
7. Because it affirmatively appears from the pleading in this cause that the Defendant is the Defendant in the original Complaint filed in this cause.
8. Because it affirmatively appears from the record in this cause that the Defendant is the Defendant in the original Complaint filed in this cause.
9. Because it affirmatively appears from the pleading in this cause that the Defendant was not added as a Party Defendant to this suit on November 20, 1956.

10. Because it affirmatively appears from the record in this case that Defendant was not added as a Party Defendant to this suit on November 20, 1956.

11. Because it affirmatively appears from the pleading in this case that there has been no amendment in this cause to include Defendant Eugene Edward Byrd as a Party Defendant in this cause but that on the contrary said Defendant is the same and identical Defendant and Party who was named as Defendant in the original complaint filed in this cause prior to October 17, 1956 and within a period of one year after the cause of action sued on arose.

12. Because from aught that appears, Defendant Eugene Edward Byrd is the same and identical person as the Defendant named in the original complaint filed in this cause prior to October 17, 1956 and within a period of one year after the cause of action sued on herein arose.

McCONNELL & FOREMAN

By: John McConnell
Attorneys for Plaintiff

FILED
AUG 23 1957
ALICE J. DUCK, Clerk

(6)

| | | |
|------------------------------|---|-------------------------|
| PLUMA WALDROP, |) | IN THE CIRCUIT COURT OF |
| |) | |
| Plaintiff, |) | BALDWIN COUNTY, ALABAMA |
| |) | |
| vs. |) | |
| ALABAMA WOOD PRESERVING CO., |) | AT LAW |
| INC., A Corporation, et al., |) | |
| |) | |
| Defendants. |) | CASE No. 3057 |

Comes now the Plaintiff in the above styled cause and demurs, separately and severally, to pleas numbered respectively, number 1, number 2, number 3 and number 4, as respectively amended, heretofore filed in this cause by the Defendant Eugene Edward Byrd, and as grounds therefor sets down and assigns the following, separately and severally:

1. Because the allegations of said plea do not constitute a defense to the Complaint as amended.
2. Because said plea presents no defense to the Complaint as amended.
3. Because said plea fails to allege facts constituting a defense to the Complaint as amended.
4. Because said plea neither traverses nor confesses and avoids the allegations of the Complaint as amended.
5. Because the material allegations of said plea are mere conclusions of the pleader.
6. Because from aught that appears, the Defendant is the Defendant in the Complaint as originally filed in this cause.
7. Because it affirmatively appears from the pleading in this cause that the Defendant is the Defendant in the original Complaint filed in this cause.
8. Because it affirmatively appears from the record in this cause that the Defendant is the Defendant in the original Complaint filed in this cause.
9. Because it affirmatively appears from the pleading in this cause that the Defendant was not added as a Party Defendant to this suit on November 20, 1956.

Mobile, Alabama

August 20th, 1957

DUE: JOHN E. MANDEVILLE,
Clerk, Circuit Court,
Mobile, Alabama

BY: MR. ALVIN MC CONNELL,
Attorney at Law,
214 First Nat'l Bank ANNEX
Mobile, Alabama

FOR: Taking the depositions of Thos.L.Trawick
and Eugene Edward Byrd, in his office on
Friday morning, August 16, 1957 beginning at
10:00 o'clock A.M., in Cases #3057-3058-3059
in the Circuit Court of Baldwin County, Alabama,
styled PLUMA WALDROP AND JAMES WALDROP VERSUS
ALA WOOD PRESERVING CO INC., DEFENDANT, AND EUGENE
EDWARD BYRD, DEFENDANT,

PER DIEM \$ 15.00

1 Original Copy 44 pages @ .50¢ per page \$ 22.00

TOTAL DUE \$ 37.00 ✓

(1 extra carbon made gratis)
(and enclosed herewith.)

August 29, 1957
Received Payment of Above
this date. Thank you
John E. Mandeville

PLUMA WALDROP,

Plaintiff,

Vs.

ALABAMA WOOD PRESERVING CO.,
INC., a corporation and EUGENE
EDWARD BYRD, jointly and
individually,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW NO. 3057.

Now comes Eugene Edward Byrd and appears specially in the above styled cause for the sole purpose of filing this motion and for no other purpose and says as follows:

That, heretofore, and on, to-wit, the 20th day of November, 1956, this Court sustained the plea in abatement of Eugene Edward Byrd in the above styled cause;

That, also, on, to-wit, the 20th day of November, 1956, the plaintiff filed an amendment to her complaint by which she attempted to correct the misnomer of Eugene Edward Byrd and thereby require Eugene Edward Byrd to remain as a party defendant in this cause;

WHEREFORE, the said Eugene Edward Byrd moves the Court to strike said amendment and allow the said Eugene Edward Byrd to go hence without costs to him as said suit has been abated as to him.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By

W. R. Howard
Attorneys, Appearing Specially for
Eugene Edward Byrd.

PLUMA WALDROP,

Plaintiff,

vs.

ALABAMA WOOD PRESERVING CO.,
INC., A Corporation, et al.,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3057

Comes now the defendant Eugene Edward Byrd, by his attorneys, and for answer to the Bill of Complaint heretofore filed against him as last amended, pleads, separately and severally, the following:

1. The Defendant Eugene Edward Byrd, for answer to the complaint, saith that this cause of action is for an alleged injury to the person of the Plaintiff and is barred by the statute of limitations of one year.

2. The Defendant Eugene Edward Byrd, for answer to the complaint as last amended, saith that at the time that he was made a party to this particular action the same had been abated and the right of action herein sued on for alleged injuries to the person of the Plaintiff is barred by the statute of limitations of one year.

3. The Defendant Eugene Edward Byrd, for answer to the complaint, saith that at the time the complaint in this cause was amended to include him as a party defendant thereto that this action had been abated and is now barred by the statute of limitations of one year.

4. Not guilty.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

and

CHASON & STONE

By:


Attorneys for Defendant

RECORDED

PLUMA WALDROP,

Plaintiff,

vs.

ALABAMA WOOD PRESERVING CO.,
INC., a Corporation, et al.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3057

ANSWER

FILED

JUL 22 1957

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

Copies Mailed

3057

3059

PLUMA WALDROP,

Plaintiff,

vs.

ALABAMA WOOD PRESERVING
COMPANY, INC., a Corporation,
and EDWARD B. BYRD (name
changed by amendment to
EUGENE EDWARD BYRD), jointly
and individually,

Defendants.

) IN THE CIRCUIT COURT OF

)

) BALDWIN COUNTY, ALABAMA

)

) AT LAW

)

) CASE No. 3057

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TO: McCorvey, Turner, Rogers, Johnstone & Adams
Attorneys at Law
Merchants National Bank Building
Mobile, Alabama

Please take notice that at 10:00 o'clock A. M. on the
16th day of August, 1957, at 214 First National Annex, Mobile,
Alabama, the Plaintiff, Pluma Waldrop, will take the depositions
of Eugene Edward Byrd, whose address is Robertsdale, Baldwin
County, Alabama, and Thomas L. Trawick, whose address is 166
South Street, Mobile, Mobile County, Alabama, upon oral exami-
nation pursuant to an Act of the Legislature of the State of
Alabama, designated as Act No. 375, Regular Session 1955,
approved September 8, 1955 before John E. Mandeville, an
officer authorized to administer oath in the County of Mobile,
State of Alabama, who is Clerk of the Circuit Court of Mobile
County, Alabama, duly authorized to take depositions and swear
witnesses insaid County in said State. The oral examination will
continue from day to day until completed and you are invited to
attend and cross-examine.

McCONNELL & FOREMAN

By: Alvin McConnell
Attorneys for Plaintiff

PLUMA WALDROP,

Plaintiff,

vs.

ALABAMA WOOD PRESERVING
COMPANY, INC., a Corporation,
and EDWARD B. BYRD (name
changed by amendment to
EUGENE EDWARD BYRD), jointly
and individually,

Defendants.


) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW

) CASE No. 3057

I, Alvin McConnell, one of the Attorneys for the
Plaintiff, Pluma Waldrop, in the above styled cause, do
hereby certify that I served the attached and foregoing
notice to take the depositions upon oral examination of
Eugene Edward Byrd and Thomas L. Trawick, by mailing the
same to McCorvey, Turner, Rogers, Johnstone & Adams,
Attorneys of Record for the Defendants in said cause, on
this 26th day of July, 1957.


Alvin McConnell