

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 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 James Waldrop.

Witness my hand this 12 day of October, 1956.

Deane J. Duck  
CLERK

C O M P L A I N T

JAMES WALDROP	)	IN THE CIRCUIT COURT OF
Plaintiff	)	
vs	)	BALDWIN COUNTY, ALABAMA
ALABAMA WOOD PRESERVING CO.,	)	AT LAW
INC., a corporation	)	
Defendant	)	Case No. <u>3058</u>

COUNT ONE

Plaintiff claims of the defendant the sum of Ten Thousand and no/100 (\$10,000.00) Dollars as damages, for that, heretofore, and on, to-wit, the 17th day of October, 1955 the automobile of plaintiff in which plaintiff's wife, Mrs. Pluma Waldrop, was then and there riding as a passenger, was being operated on ~~and along~~ Alabama Highway 35 at a point thereon approximately twelve miles East of Scottsboro, in Jackson County, Alabama, said highway being then and there a public highway in Jackson County, Alabama, and at said time and place Edward B. Byrd, an agent, servant or employee of the defendant, 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 plaintiff's said automobile to be run, or thrown

and consortium.

Wherefore plaintiff claims judgment against the defendant in the sum of Ten Thousand and no/100 (\$10,000.00) Dollars, with costs.

McCONNELL & FOREMAN

BY Alvin McConnell  
Attorneys for the Plaintiff

Plaintiff demands trial by jury.

McCONNELL & FOREMAN

BY Alvin McConnell  
Attorneys for the Plaintiff

The address of Alabama  
Wood Preserving Co., Inc.  
defendant is Robertsdale,  
Alabama.

JAMES WALDROP,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
ALABAMA WOOD PRESERVING CO.,	)	Case No. 3058
INC., a Corporation,	)	
Defendant.	)	

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 James 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 28th  
day of August, 1957.

Alice F. Simms  
Notary Public, Mobile County, Alabama

~~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. 3058

Fall

TERM, 195 7

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded to Summon

*John R. Hughes*  
*Pisgah, 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 James Waldrop, Plaintiff and Alabama

Wood Preserving Co, 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

*Reverend J. Duck*

Clerk.

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. 3058 Fall TERM, 195 7

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded to Summon

M. C. Hughes,  
Secretary, 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 James Waldrop, Plaintiff and Alabama

ed Preserving Co, 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.

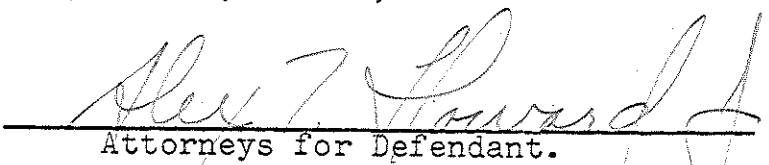
Reverend J. H. Smith Clerk.

JAMES WALDROP	I	IN THE CIRCUIT COURT OF
Plaintiff	I	
VS	I	BALDWIN, COUNTY, ALABAMA
ALABAMA WOOD PRESERVING CO.,	I	
INC., a corporation	I	AT LAW CASE NO. 3058.
Defendant		

Now comes the Defendant in the above styled cause and demurs to the complaint in said cause, as amended, and to each and every count thereof separately and severally and as grounds therefore assigns separately and severally all grounds for demurrer heretofore assigned to the original complaint in said cause.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS.

By :

  
Attorneys for Defendant.

JAMES WALDROP,

Plaintiff,

vs.

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

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3058

Comes now the Defendant in the above styled cause and for answer to the complaint heretofore filed against it as last amended and to each count thereof, separately and severally, pleads separately and severally as follows:

1. Not guilty.

2. For further answer to COUNT ONE of the complaint as last amended the Defendant alleges that at the time and place complained of the Plaintiff was himself guilty of negligence which proximately contributed to the alleged injuries and damages complained of in the complaint as last amended in that he so negligently operated an automobile on Alabama Highway 35 at a point approximately twelve miles East of Scottsboro, Alabama, said highway at said place being a public highway in the County of Jackson, State of Alabama, as to cause said automobile to leave said highway and to run into and collide with a ditch and culvert or other objects therein; hence the Plaintiff cannot recover in this suit.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

and

CHASON & STONE

By:

  
Attorneys for Defendant

RECORDED

JAMES WALDROP,

Plaintiff

VS.

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

Defendant.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 3058

\*\*\*\*\*

ANSWER

FILED

JUL 22 1957

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

*Copies made*



JAMES WALDROP,  
Plaintiff,  
vs.  
ALABAMA WOOD PRESERVING CO.,  
INC., a Corporation,  
Defendant.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
) AT LAW  
) Case No. 3058  
)  
)

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 James 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

MADE A COPY, GIVE



JAMES WALDROP

Plaintiff

vs

ALABAMA WOOD PRESERVING CO.,  
INC., a corporation

Defendant

) IN THE CIRCUIT COURT OF

)  
) BALDWIN COUNTY, ALABAMA

) AT LAW

) Case No. 3,058

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

Plaintiff avers that the true and correct name of the agent of defendant referred to in said complaint as "EDWARD B. BYRD" is EUGENE EDWARD BYRD, sometimes also known as E. E. BYRD and also sometimes known as EDWARD BYRD. Plaintiff so amends his original complaint filed in this cause as to substitute "EUGENE EDWARD BYRD" in the place of "EDWARD B. BYRD" wherever it appears in said original 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 L. BUCK, Clerk