

JAMES WALDROP,) IN THE CIRCUIT COURT OF
 Plaintiff,)
 vs.) BALDWIN COUNTY, ALABAMA
 EUGENE EDWARD BYRD,) AT LAW
 Defendant.)
) CASE No. 3059

Comes now the Plaintiff in the above styled cause and moves, separately and severally, to strike, separately and severally, pleas numbered respectively, number 1, number 2, number 3 and number 4, as amended, respectively, 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

FILED
AUG 23 1957

ALICE J. DUCK, Clerk

By: Alvin McConnell
Attorneys for Plaintiff.

JAMES WALDROP,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
EUGENE EDWARD BYRD,	X	AT LAW
	X	NO. 3059
Defendant.	X	

AMENDED PLEAS

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

1. The Defendant, for answer to the complaint, saith that this cause of action is for alleged damages to the property of the Plaintiff and to his rights 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 he was made a party to this particular action the same had been abated and the right of action herein sued on for alleged damages to the property and rights 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.

6. 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.

EUGENE EDWARD BYRD,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 3059

AMENDED PLEAS

FILED
JUL 26 1957
ALICE J. DUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

JAMES WALDROP,

Plaintiff,

vs.

EUGENE EDWARD BYRD,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO: 3059

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

1. The Defendant, for answer to the complaint, saith that this cause of action is for alleged damages to the property of the Plaintiff and to his rights 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 he was made a party to this particular action the same had been abated and the right of action herein sued on for alleged damages to the property and rights 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.

5. 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

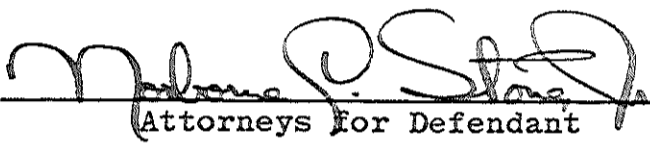
cause said automobile to leave said highway and to run into and collide with a ditch and culvert or other objects therein; hence the Plaintiff cannot recover in this suit.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

and

CHASON & STONE

By:


Attorneys for Defendant

JAMES WALDROP,
Plaintiff,

VS.

EUGENE EDWARD BYRD,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 3059

ANSWER

FILED
JUL 22 1957

ALICE J. DUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

copies mailed

JAMES WALDROP,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY, ALABAMA
vs.) AT LAW
EDWARD B. BYRD,) Case No. 3059
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 26th
day of February, 1957.

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

FILED

FEB 27 1957

ALICE L. WOOD, Clerk

JAMES WALDROP,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY, ALABAMA
vs.) AT LAW
EDWARD B. BYRD, (name changed) Case No. 3059
by amendment to EUGENE EDWARD)
BYRD),)
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.

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. 3059

Fail

TERM, 195 7

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded to Summon

M. C. Haynes,
Section, Ala

Plaintiff

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

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 Fluma Waldrop, Plaintiff and Edward B. By, 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. Duck

Clerk.

~~CERT~~
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. 3059 Fall TERM, 195 7

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded to Summon

John R. Hughes,
Prague, Ala.

Plaintiff

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

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 Fluma Waldrop, Plaintiff and Edward B. Byrd

_____, 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.

Becky J. Black Clerk.

JAMES WALDROP

Plaintiff

VS

EUGENE EDWARD BYRD

Defendant

I
I
I
I
I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW NO. 3059.

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 the following separate and several grounds:

1. From aught that appears the Defendant owed no duty to the Plaintiff at the time and place complained of.
2. From aught that appears the Defendant has breached no duty which it owed to the Plaintiff.
3. From aught that appears the motor vehicle of the Defendant was being operated "along" a public highway and not "on" a public highway at the time and place complained of in the complaint.
4. From aught that appears the Plaintiff suffered no injuries or damages as a result of the alleged negligence of the Defendant.
5. For that the complaint is vague, uncertain and indefinite.

The Defendant assigns the following ground for demurrer to Count Two of the complaint in said cause:

1. There is no allegation that the Plaintiff was wilfully or wantonly injured except insofar as his automobile is concerned.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS.

By :


Attorneys for Defendant.

JAMES WALDROP,	I	IN THE CIRCUIT COURT OF
Plaintiff,	I	
Vs.	I	BALDWIN COUNTY, ALABAMA.
EUGENE EDWARD BYRD,	I	AT LAW NO. 3059.
Defendant.	I	

Now comes Eugene Edward Byrd and appears specially in the above styled cause for the sole purpose of making this motion and for no other purpose whatever, and moves the Court that this entire action be discontinued and as grounds for such motion assigns, separately and severally, as follows:

1. Said action was originally brought against Edward B. Byrd, and plaintiff's amendment to his complaint in this cause filed on November 20, 1956, and the allowance of the amendment of the complaint striking Edward B. Byrd as the defendant, is a discontinuance of this cause.

2. That the amendment filed on November 20, 1956, to the complaint in this cause striking Edward B. Byrd as the defendant and substituting Eugene Edward Byrd as the defendant, worked an entire change of parties and constitutes a discontinuance of this cause.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By *Alex T. Howard*
Attorneys, appearing specially for
Eugene Edward Byrd.

(7)

JAMES WALDROP,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.)	
EUGENE EDWARD BYRD,	)	AT LAW
)	
Defendant.	)	CASE No. 3059
)	

Comes now the Plaintiff in the above styled cause and demurs, separately and severally, to pleas numbered respectively, number 1, number 2, number 3, number 4 and number 6, as respectively amended, heretofore filed in this cause, separately and severally, 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 Count Two of the Complaint as amended.
2. Because said plea presents no defense to Count Two of the Complaint as amended.
3. Because said plea fails to allege facts constituting a defense to Count Two of the Complaint as amended.
4. Because said plea neither traverses nor confesses and avoids the allegations of Count Two of the Complaint as amended.
5. Because the allegations of said plea do not constitute a defense to the Complaint as amended.
6. Because said plea presents no defense to the Complaint as amended.
7. Because said plea fails to allege facts constituting a defense to the Complaint as amended.
8. Because said plea neither traverses nor confesses and avoids the allegations of the Complaint as amended.
9. Because the allegations of said plea do not constitute a defense to Count One of the Complaint as amended.
10. Because said plea presents no defense to Count One of the Complaint as amended.

11. Because said plea fails to allege facts constituting a defense to Count One of the Complaint as amended.

12. Because said plea neither traverses nor confesses and avoids the allegations of Count One of the Complaint as amended.

13. Because the material allegations of said plea are mere conclusions of the pleader.

14. Because from aught that appears, the Defendant is the Defendant in the Complaint as originally filed in this cause.

15. Because it affirmatively appears from the pleading in this cause that the Defendant is the Defendant in the original Complaint filed in this cause.

16. Because it affirmatively appears from the record in this cause that the Defendant is the Defendant in the original Complaint filed in this cause.

17. 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.

18. 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.

19. 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.

20. 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 .

FILED
AUG 23 1957
ALICE J. DUCK, Clerk

McCONNELL & FOREMAN

By: *Alvin McConnell*
Attorneys for Plaintiff.

*attach to check sheet
for order of continuance*

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

HEMLOCK 3-6556 P. O. BOX 1070

MOBILE 6, ALABAMA

GEORGE T. MCCORVEY
BEN D. TURNER
C. M. A. ROGERS
C. A. L. JOHNSTONE, JR.
R. F. ADAMS
JAMES L. MAY, JR.
CHAUNCEY MOORE
ALEX T. HOWARD, JR.

December 17, 1956

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

Re: Pluma Waldrop v. Alabama Wood Preserving
Co., et al, Circuit Court Case No. 3057.
James Waldrop v. Eugene Edward Byrd, Cir.
Crt. Case No. 3059.

Dear Mrs. Duck:

This is to verify the fact that I talked with you by telephone this morning in regard to a continuance of the above two motions which are set for hearing in your court on tomorrow morning, December 18, 1956.

At your suggestion the writer telephoned Judge Hall and he agreed to continue both of these motions until 9:00 A.M. on January 9, 1957.

In view of the provisions of Section 119 of Title 13 of 1940 Code of Alabama, Mr. Alvin McConnell has requested that the Judge enter an order in Case No. 3057 showing that this motion to set aside the court's ruling sustaining our plea in abatement was brought to his attention on December 18, 1956, and continued until January 9, 1957. If you would be so kind as to have the Judge sign such an order, we would be most grateful as we did not want Mr. McConnell to lose any rights which he might have under such motion because of our request for this continuance.

Thank you for your kind attention to the above.

Yours very truly,

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By

Alex T. Howard, Jr.
Alex T. Howard, Jr.

ATHjr/pn

cc: Mr. Alvin McConnell
Attorney at Law
Annex First National Bank Building
Mobile, Alabama

S U M M O N S

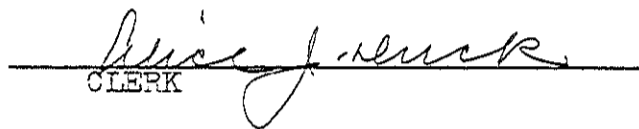
STATE OF ALABAMA

COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon 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 James Waldrop.

Witness my hand this 13 day of October, 1956.


CLERK

C O M P L A I N T

JAMES WALDROP	)	IN THE CIRCUIT COURT OF
Plaintiff)	
vs	)	BALDWIN COUNTY, ALABAMA
Edward B. Byrd	)	AT LAW
Defendant	)	Case No. _____

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 the defendant, Edward B. Byrd so negligently operated a motor vehicle on or along said highway as to cause the plaintiff's said automobile to be run, or thrown or to skid from said public highway and into a ditch along side of said highway

and to collide with the end of a culvert and large rocks in or near said ditch and as a proximate consequence thereof;

(a) The front bumper of plaintiff's automobile was smashed and broken, the radiator and grille were broken and bent, the frame of said automobile was broken, bent and knocked out of line, the front wheel and tire of said automobile were bent, broken and damaged and various other parts of said automobile were bent, broken and damaged and plaintiff was caused to lose the loss of the use of his said automobile for a period of time.

(b) Plaintiff's said wife, who was pregnant at the time, suffered personal 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, and plaintiff incurred and will in the future incur expenses for medical attention and treatment of his said wife in connection with the injuries suffered by her and plaintiff lost the services, society and consortium of his said wife for a long period of time and will in the future continue for a long period of time to lose said services, society and consortium.

And plaintiff avers that all of his said injuries and damages were the proximate result of the said negligence of said Edward B. Byrd; hence this suit.

COUNT TWO

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 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, wilfully or wantonly damaged plaintiff's said automobile and injured the person of plaintiff's said wife by so wilfully or wantonly operating a motor vehicle on or along said highway at said time and place as to cause plaintiff's said automobile to be run or thrown or to skid from said public highway and into a ditch along side of said highway and to collide with the end of a culvert and large rocks in or near said ditch and as a proximate result:

(a) The front bumper of plaintiff's automobile was smashed and broken, the radiator and grille were broken and bent, the frame of said automobile was broken, bent and knocked out of line, the front wheel and tire of said automobile were bent, broken and damaged and various other parts of said automobile were bent, crushed, broken and otherwise damaged, and plaintiff was caused to lose the loss of the use of his said automobile for a period of time.

(b) Plaintiff's said wife who was pregnant at the time suffered personal 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, and plaintiff incurred and will in the future incur expenses for medical attention and treatment of his said wife in connection with the injuries suffered by her and plaintiff lost the services, society and consortium of his said wife for a long period of time and will in the future continue for a long period of time to lose said services, society 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.

Defendant's address:
Robertsdale, Alabama

McCONNELL & FOREMAN
BY Alvin McConnell
Attorneys for the Plaintiff

JAMES WALDROP	)	IN THE CIRCUIT COURT OF
Plaintiff)	
vs	)	BALDWIN COUNTY, ALABAMA
EDWARD B. BYRD	)	AT LAW
Defendant	)	Case No. 3,059

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 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 his 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 I. BROWN, Clerk

Have Byrd served

S U M M O N S

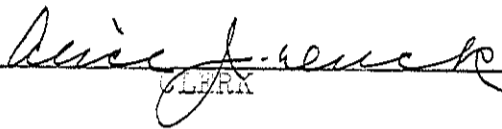
STATE OF ALABAMA

COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon 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 James Waldrop.

Witness my hand this 20 day of October, 1956.


CLERK

C O M P L A I N T

JAMES WALDROP,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
EDWARD B. BYRD,	)	Case No. <u>3058</u>
Defendant.)	

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 the Defendant, Edward B. Byrd so negligently operated a motor vehicle on ~~or along~~ said highway as to cause the Plaintiff's said automobile to be run, or thrown or to skid from said public highway and into a ditch along side of said highway

and to collide with the end of a culvert and large rocks in or near said ditch and as a proximate consequence thereof;

(a) The front bumper of Plaintiff's automobile was smashed and broken, the radiator and grille were broken and bent, the frame of said automobile was broken, bent and knocked out of line, the front wheel and tire of said automobile were bent, broken and damaged and various other parts of said automobile were bent, broken and damaged and Plaintiff was caused to lose the use of his said automobile for a period of time.

(b) Plaintiff's said wife, who was pregnant at the time, suffered personal 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, and Plaintiff incurred and will in the future incur expenses for medical attention and treatment of his said wife in connection with the injuries suffered by her and Plaintiff lost the services, society and consortium of his said wife for a long period of time and will in the future continue for a long period of time to lose said services, society and consortium.

And Plaintiff avers that all of his said injuries and damages were the proximate result of the said negligence of said Edward B. Byrd; hence this suit.

COUNT TWO

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 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, wilfully or wantonly damaged Plaintiff's said automobile and ^{wilfully or wantonly} injured the person of Plaintiff's said wife by so wilfully or wantonly operating a motor vehicle on ~~or along~~ said highway at said time and place as to cause Plaintiff's said automobile to be run or thrown or to skid from said public highway and into a ditch along side of said highway and to collide with the end of a culvert and large rocks in or near said ditch and as a proximate result:

(a) The front bumper of Plaintiff's automobile was smashed and broken, the radiator and grille were broken and bent, the frame of said automobile was broken, bent and knocked out of line, the front wheel and tire of said automobile were bent, broken and damaged and various other parts of said automobile were bent, crushed, broken and otherwise damaged, and Plaintiff was caused to lose the loss of the use of his said automobile for a period of time.

(b) Plaintiff's said wife who was pregnant at the time suffered personal 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, and Plaintiff incurred and will in the future incur expenses for medical attention and treatment of his said wife in connection with the injured suffered by her and Plaintiff lost the services, society and consortium of his said wife for a long period of time and will in the future continue for a long period of time to lose said services, society 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.

Defendant's address:
Robertsdale, Alabama

McCONNELL & FOREMAN

By Alvin McConnell
Attorneys for the Plaintiff