

# 9425

R. R. McFarlane

VS.

VS.  
J. G. Raybon  
BY OF COST

DEFENDANT

### CLERK'S FEES

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 193 \_\_\_\_\_

Clerk Circuit Court, Baldwin County, Ala.

*Copy*

Circuit Court, Baldwin County

No. *9425*

*R. R. McFarlane*

VS.

*J. G. Rayborn*

Civil Cost Bill

Paid \_\_\_\_\_ 193 \_\_\_\_\_

Clerk.

RR McFarlane  
vs  
Cay Mison et al } Circuit  
Court

Comes Cay Mison and  
demurs to plaintiff's cause  
plaintiff admits Count  
thereof separately and generally  
and as grounds therefore  
says

The said Complaint shows  
on its face that the  
action was barred by the  
statute of limitations  
of 12 months before this  
action was commenced  
against him

Buck O'Hall  
for Cay Mison

9425

Julia April 8th 1931  
Robert Duck  
Chick

Exhibit A

The Plainiff claims of the Defendant -  
the sum of \$500<sup>00</sup> for in that that -  
while he the plainiff was operating  
his auto machine along a public highway  
in Baldwin County - Also on to wit - 1<sup>st</sup> -  
day of April 1931 as he had a right to  
do the defendant Roberson and to mobile  
which was then & there being operated  
by the defendant - say machine which  
was then operating with auto machine  
as the agent of the said Roberson & while  
in the scope of this said long machine  
negligently ran said Roberson out to  
mobile against the auto machine  
of plainiff - that as an appropriate  
cause of said neg. being an Plaintiff  
auto machine was badly damaged  
in the sum afore mentioned -

9423

Filed April 5th 1935  
Walter Duck  
Chgo

R. R. McFARLANE,

Plaintiff,

vs.

COY MIXON ET AL,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Comes the Defendant, Coy Mixon, and for further plea to the Plaintiff's complaint says:

1. That this cause of action as against him was barred by the statute of limitation of one year.

2. Comes Coy Mixon, Defendant in the above styled cause and for separate answer to Plaintiff's complaint says that the action sued on was barred by the statute of limitation of one year before the commencement of this suit against him.

Beebe & Hall  
Attorneys for Defendant.

9425

Filed April 8<sup>th</sup> 1932  
Robert B. Buck



STATE OF ALABAMA,  
BALDWIN COUNTY.

IN THE CIRCUIT COURT-LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon Coy Mixon to appear before me within thirty days from the service of this Writ, in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Complaint of R. R. McFarlane.

Witness my hand this 4<sup>th</sup> day of January, 1934.

W. A. Stone  
Clerk.

Plaintiff claims of the Defendants the sum of Five Hun-  
dred Dollars (\$500.00) for that, heretofore, to-wit, on or about  
the 1st day of April, 1951, the Defendant, J. G. Raybon, was the  
owner of a chevrolet automobile which he rented to the Defendant,  
Coy Nixon, to operate, and Plaintiff further avers that the said  
Coy Nixon on the date aforesaid was, and long had been, a man of  
intemperate habits and a habitual drunkard, and at the time of the  
renting of said car was in an intoxicated condition, which said  
facts were known to the Defendant, J. G. Raybon, so that said  
car in the said Coy Nixon's care was a dangerous and deadly agency;  
yet, with the knowledge of such facts the Defendant, J. G. Raybon,  
rented his said car to the said Coy Nixon to propel along the pub-  
lic highways of Baldwin County, Alabama, at will, and entrusted  
its management to the said Coy Nixon, and while, on the day and  
date aforesaid the said Coy Nixon while still in an intoxicated  
condition, was engaged in running said car along a public highway,  
to-wit, at a point one mile north of Dyes Creek, Alabama, on a  
public highway leading from Bay Minette to Perdido, Alabama, in  
Baldwin County, Alabama, the said Coy Nixon so negligently, need-

R. R. McFARLANE,  
Plaintiff,  
-vs-  
J. G. RAYBON and COY  
NIXON,  
Defendants.  
IN THE CIRCUIT COURT-LAW SIDE  
STATE OF ALABAMA,  
BALDWIN COUNTY.

Now comes the Plaintiff in the afore said cause and  
amends his Complaint to read as follows:-

R. R. McFARLANE,  
Plaintiff,  
-vs-  
J. G. RAYBON,  
Defendant.  
IN THE CIRCUIT COURT-LAW SIDE  
STATE OF ALABAMA,  
BALDWIN COUNTY.

(page two)

lessly, wrecklessly, wrongfully and indifferently conducted himself, with respect to said car, that he ran the same against the automobile of the Plaintiff, which then and there the Plaintiff was driving lawfully along said highway. Plaintiff further avers that his automobile was damaged and that the damage complained of was the proximate result of the negligence of the Defendant, J. G. Raybon, in permitting the said Coy Mixon to operate said automobile, and the negligence of the said Coy Mixon in running said automobile into and against Plaintiff's said automobile.

*Hyatt, Heard & Pusey*  
Attorneys for Plaintiff.

R. R. McFARLANE,

Plaintiff,

vs.

J. G. RAYBON,

Defendant.

)  
) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY, ALABAMA.  
)  
)

AT LAW.

Comes the defendant in the above styled cause and demurs to the plaintiff's complaint filed in this cause, and for grounds of demurrer to COUNT NO. 1 says:

1. That said Count does not state a cause of action.
2. That said Count does not allege any facts showing any duty owing from the defendant to the plaintiff.
3. That said Count is vague, indefinite and uncertain.
4. That said Count fails to allege that at the time of the accident the said Coy Nixon was the agent of the said J. G. Raybon or acting within the line and scope of his authority.

And for grounds of demurrer to COUNT NO. 2 says:

1. That said Count does not state a cause of action.
2. That said Count does not allege with sufficient particularity where the accident occurred.
3. That said Count does not allege any facts showing a duty owing from the defendant to the plaintiff.
4. That said Count does not allege who was operating the automobile at the time of the accident.
5. That said Count does not allege how or in what manner plaintiff's automobile was damaged.

Beebe & Stace  
Attorneys for Defendant.

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

1. That he is not guilty.

3. That the Plaintiff was guilty of negligence, which  
ad proximately to his alleged damages, in that he was at  
of the alleged injury operating his automobile upon the  
of the State of Alabama during the period from one-half  
of sunset to one-half hour before sunrise with only one  
amp displayed on the front of his automobile.

4. That the plaintiff was guilty of negligence, which contributed proximately to his alleged damages, in that he was at the time of the alleged accident operating his automobile upon the highways of the State of Alabama during the period from one-half hour after sunset to one-half hour before sunrise with only one head-light.

5. That the plaintiff was guilty of negligence, which proximately contributed to his alleged damages, in that at the time of the accident he was operating his automobile upon the highways of the State of Alabama at a time when there was not sufficient light to render clearly discernible a person on the highways at a distance of two hundred feet ahead with only one lamp displayed on the front of his automobile.

6. That the plaintiff was guilty of negligence, which approximately contributed to his alleged damages, in that at the

time of the accident he was operating his automobile upon the highways of the State of Alabama at a time when there was not sufficient light to render clearly discernible a person on the highways at a distance of two hundred feet ahead with only one head-light.

7. That the plaintiff was guilty of negligence, which proximately contributed to his alleged damages, in that at the time of the alleged accident the two cars were proceeding in opposite directions on the public highway leading from Bay Minette to Perdido in Baldwin County, Alabama, and the plaintiff attempted to pass defendant's car without giving or allowing the defendant's car at least one-half of the main traveled roadway.

8. That the plaintiff was guilty of negligence, which proximately contributed to the alleged damages, in that at the time of the alleged accident he was operating his car upon the highway leading from Bay Minette to Perdido in Baldwin County, Alabama, a two-way highway, on the left half of said highway, and thereby causing his car to collide with that of the defendant, which was proceeding on the right half of said highway in an opposite direction.

9. That the plaintiff was guilty of negligence, which proximately contributed to the alleged damages, in that at the time of the alleged accident he was operating his car upon the highway leading from Bay Minette to Perdido in Baldwin County, Alabama, a two-way highway, on the left half of said highway.

10. That the plaintiff was guilty of negligence, which proximately contributed to the alleged damages, in that at the time of the alleged accident he was operating his car upon the Bay Minette-Perdido highway in Baldwin County, Alabama, a two-way highway, on the wrong side thereof.

11. That the plaintiff was guilty of negligence, which proximately contributed to the alleged damages, in that he was at the time of the alleged accident operating a motor vehicle upon the Bay Minette-Perdido highway, a public highway of this state,

recklessly, in that it was at night and said motor vehicle which he was operating had only one head-light displayed.

12. That the plaintiff was guilty of negligence, which proximately contributed to the alleged damages, in that he was at the time of the alleged accident operating a motor vehicle upon the Bay Minette-Perdido highway, a public highway of this state, recklessly, in that it was at night and said motor vehicle which he was operating had only one head-light burning.

13. That the plaintiff was guilty of negligence, which proximately contributed to the alleged accident, in that at the time of the alleged accident he was operating a motor vehicle upon the Bay Minette-Perdido highway, a public highway of this state, recklessly, in that he was at that time operating his said motor vehicle upon the left or wrong side of said highway.

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*Becker & Stale*  
Attorneys for Defendant.

STATE OF ALABAMA.  
BALDWIN COUNTY.

IN THE CIRCUIT COURT-LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. G. Raybon to appear within thirty days from the service of this Writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the Complaint of R. R. McFarlane.

Witness my hand this 4 day of June, 1931.

  
Clerk.

C O M P L A I N T

R. R. McFARLANE,

Plaintiff,

-vs-

J. G. RAYBON,

Defendant.

) IN THE CIRCUIT COURT-LAW SIDE

) STATE OF ALABAMA

) BALDWIN COUNTY

COUNT NO. 1

Plaintiff claims of the Defendant the sum of FIVE HUNDRED DOLLARS (\$500.00), for that heretofore, to-wit, on or about the 1st day of April, 1931, the Defendant was the owner of a Chevrolet automobile, which he rented to one Coy Mixon to operate. The said Coy Mixon, on the date aforesaid, was and long had been a man of intemperate habits and a habitual drunkard, and at the time of the renting was in an intoxicated condition, which said facts were known to the Defendant so that said car in his hands was a dangerous and deadly agency. Yet, with knowledge of such facts the Defendant rented his said car to the said Coy Mixon to propel along the public highways of Baldwin County, Alabama, at will and intrusted its management to him, and while on the date and day aforesaid the said Coy Mixon was engaged in running said car along a public highway, to-wit, at a point one mile north of Dyas Creek, Alabama, on a public highway leading from Bay Minette to Perdido, Alabama, in Baldwin County, Alabama, the said Coy Mixon so negligently, heedlessly, recklessly, wrongfully and indifferently conducted himself with respect to said car that he ran the same against the automobile of the Plaintiff, which then and there the Plaintiff was driving lawfully along the said highway. Plaintiff further avers that his automobile was damaged, and that the damages complained of were the approximate result of the negligence of the said Defendant in permitting the said Coy Mixon to operate said automobile, and the negligence of the said Coy Mixon in running said automobile into and against Plaintiff's said automobile.

COUNT NO. 2.

The Plaintiff claims of the Defendant the sum of FIVE HUNDRED DOLLARS (\$500.00), in this, that while he, the Plaintiff, was operating his automobile along a public highway in Baldwin County, Alabama, on-to-wit, the 1st day of April, 1931, as he had a right to do, the Defendant's automobile which was then and there being operated by the Defendant through his agents, servants or employees, and while acting within the line and scope of



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their duties as such, (employees being Coy Mixon and Watson Heaton, an inexperienced boy about eighteen years of age) ran Defendant's automobile into and against Plaintiff's automobile in such a negligent manner that as an approximate consequence thereof, Plaintiff's automobile was badly damaged in the sum afore mentioned.

The Plaintiff demands a trial by jury.

Hyatt Heard & Shearer  
Attorneys for Plaintiff.  
By John Shearer

LAW OFFICES  
MORRIS STONE