

THE STATE OF ALABAMA
BALDWIN COUNTY

No. 466

CIRCUIT COURT

Judgment

Term, 193

VS.

DEAR SIR: At the

Term, 193, of the Circuit Court of said County,

recovered a judgment against

for the sum of Dollars

besides Dollars, cost of suit, and execution was duly issued thereon, commanding any Sheriff of the State that he cause to be made of the goods and chattels, land and tenements of said

the amount of the judgment and costs, and the Sheriff has returned said exception indorsed, "No Property Found," and the costs have never been paid. In order to save you the additional expense of an execution against you, I herewith inclose an itemized statement of the costs which have accrued in said cause, and respectfully request that you will, on receipt of this, remit the amount. If I do not hear from you in a few days I will forward the execution to the Sheriff of your County for collection.

Respectfully yours, Clerk.

CLERK'S FEES			SHERIFF'S FEES		
	@	Amount		@	Amount
1 Issuing Summons and Complaint,	\$1.25		1 Levying Attachment,	\$3.00	
2 Issuing copies thereof,	30		2 Entering and returning Attachment,	25	
3 Making every copy thereof, when over 200 words, per 100 words,	15		3 Summoning garnishee and return,	1.50	
4 Entering Sheriff's return or copy thereof,	20		4 Serving Summons and Return,	1.50	
5 Docketing cause, to be charged but once,	25		5 Serving Subpoenas,	65	
6 Entering Appearance	20		6 Impaneling jury,	75	
7 Filing pleas, demurrer and other pleadings, for each,	10		7 Making deed,	2.50	
8 Every trial, with or without jury, and its incidents, not including judgments by default, or nil dicit,	75		8 Serving Summons, forcible entry, etc.,	1.50	
9 Entering Continuance, (each)	10		9 Executing writ of restitution or possession,	5.00	
10 Entering Judgment, (each)	30		10 Collecting, execution for cost	1.50	
11 Entering any other order of Court (each)	30		11 Serving Sci. Fa. notices, etc.,	1.50	
12 Issuing Scire Facias, or notice in the nature thereof, (each)	75		12 Serving any summons not provided for and return,	1.50	
13 Issuing Execution or copy thereof; (each)	50		13 Serving attachment for contempt,	1.50	
14 Entering return, or copy thereof, for each 100 words, 15 cents; but in no case less than	20		14 Taking and approving bond,	1.00	
15 Recording award of arbitrators, referees, auditors, etc., for each 100 words,	15		15 Seizing personal property in detinue,	3.00	
16 Issuing execution or attachment thereon, and entering return,	1.00		16 Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00,		
17 Taking bond for certiorari supersedeas, or appeal, or copy thereof and filing same,	75		17 Selling property attached, same for selling under execution,		
18 Issuing Subpoenas for Witness, (each)	30		18 Former Sheriff's fees,		
19 Administering an oath, not relating to a trial pending and certifying the same,	25				
20 Issuing Attachment and taking bond, (ea.)	1.00				
21 Filing papers in attachment, (each)	10				
22 Issuing Summons for garnishee, (each)	50				
23 Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than	50				
24 Order to advertise, or order of survey, or copy thereof,	50				
25 Certificate of Judgment,	50				
26 Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than,	25				
27 Issuing Commission to take depositions, or copy thereof,	75				
28 Making copy of interrogatories accompanying commission,	50				
29 Or for each 100 words,	15				
30 Filing packages of depositions, (each)	10				
31 Indorsing package of deposition, opened (each),	10				
32 Issuing writ of ad quod damnum or writ in the nature thereof,	75				
33 Recording the return and inquest thereon,	50				
34 Or for each 100 words,	15				
35 Issuing Writ of certiorari, prohibition, mandamus, or writ in the nature thereof,	75				
36 Filing the same and entering return,	15				
37 Making a complete record of a cause or copy thereof, for each 100 words,	15				
38 Making copy of any paper not herein provided for, for each 100 words,	15				
39 Making each certificate requiring the seal of office, and affixing seal,	50				
40 Taking any bond not otherwise provided for,	75				
41 Making necessary certificates not otherwise provided for, (each witness),	25				
42 For certifying abstract, in lieu of fees for transcript under section 2851 of the Code,	5.00				
43 Record for Supreme Court, for each 100 words	15				
44 Each additional copy thereof, each 100 words	05				
45 Collecting money on judgments wherein said judgment has not been paid within 30 days after rendition, one half the per cent allowed sheriffs for same services for collecting money on executions,					
Total Clerk's Fees,			Total Sheriff's Fees,		
			RECAPITULATION		
			1 Clerk's Fees,		
			2 Clerk's Fees,		
			3 Sheriff's Fees,		
			4 Sheriff's Fees,		
			5 Witness Fees in Circuit Court,		
			6 Justice of the Peace Fees,		
			7 Witness Fees, in Justice of the Peace Court		
			8 Commissioner's Fees,		
			9 Commissioner's Residence,		
			10 Constable's Fees		
			11 Garnishee's Fees,		
			12 Printer's Fees,		
			13 Stenographer's Fees,		
			14 Trial Tax,		
			Total Fees,		
			15 Judgment,		
			16 Date,		
			17 Interest,		
			18 Damages,		
			Total Judgment,		
			Interest and Damages,		
			Grand Total,		

W. C. BEEBE
H. M. HALL
J. P. BEEBE

BEEBE, HALL & BEEBE
LAWYERS
BAY MINETTE, ALABAMA

NOVEMBER 2, 1939.

Hon. F. W. Hare,
Monroeville, Alabama.

Dear Judge:- IN RE: ELLA GILES VS. R. LEON JONES MOTOR CO.

We have reached an agreement whereby the above matter will be settled upon the payment by the Defendant to Mrs. Giles of \$150.00.

We have also agreed that I would withdraw the demand for a jury and that you would enter a consent judgment for the \$150.00. Mr. Blackburn, as attorney for the Defendant, is also writing you a letter.

We are requesting Miss Thompson to forward the docket sheet, together with our letters, to you, so that the proper entry may be made.

Yours very truly,

HMH/S

Hubert O. Hare

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

NOVEMBER 2, 1939.

Judge F. W. Hare,
Monroeville, Alabama.

Re: Ella Giles v. R. Leon Jones Motor
Company:

Dear Judge Hare:

Hubert and I have agreed on a disposition
of the above case which is as follows:

The Plaintiff will withdraw her demand for
a jury, to which the Defendant will consent and then
the Defendant will consent to a judgment by the Court
in favor of the Plaintiff for \$150.00. The Defendant
will, of course, pay the costs in addition to the
judgment for \$150.00.

Very truly yours,

J. B. Blackburn
J. B. BLACKBURN.

JBB:OS

ELLA GILES,

Plaintiff,

VS.

R. LEON JONES MOTOR COMPANY,
INC., a Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

DEMURRER.

Comes the Defendant in the above entitled cause and demurs to each count of the Complaint filed herein, separately and severally, and for grounds of demurrer sets down and assigns separately and severally, the following:

1. That it does not state facts sufficient to constitute a cause of action against Defendant.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. For that it is vague, indefinite and uncertain, in that it does not apprise this Defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, defendant may have owed to the Plaintiff.
5. For that it does not appear with sufficient certainty wherein defendant violated any duty it may have owed to the Plaintiff.
6. For that it does not sufficiently appear that the Defendant owed any duty to the Plaintiff which Defendant negligently failed to perform.
7. For that the averments set up, if true, do not show any liability on the part of the Defendant herein.
8. For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

9. For that there does not appear sufficient causal connection between Defendant's said breach of duty and Plaintiff's injuries and damages.

10. It affirmatively appears that the alleged negligence on the part of the Defendant was not the proximate cause of the injury.

11. It affirmatively appears that there was an intervening, direct and efficient cause with which the Defendant was not connected that produced the injury.

12. It affirmatively appears that the Plaintiff was charged with notice of the situation and condition of Defendant's wrecker in time to have avoided the collision by the exercise of reasonable care or precaution.

13. For aught that appears the Plaintiff ascertained the dangerous condition of Defendant's wrecker in ample time to have avoided the accident but failed to exercise reasonable care or precaution to avoid same.

14. For aught that appears the Plaintiff continued to be guilty of negligence after discovering her peril or danger and such subsequent negligence was the proximate cause of her injury and death.

15. Because, for aught that appears the Plaintiff, by the exercise of reasonable care, could have avoided her injury.

16. No facts are alleged to show that the alleged negligence of the Defendant proximately contributed to the alleged injury.

17. Because the averment "that said injuries to Plaintiff were proximately caused by the negligence of the defendant" is but the conclusion of the pleader and no facts are averred to sustain such conclusion.

18. No sufficient facts are alleged to show that Defendant or his agents, servants or employees were guilty of any negligence which proximately contributed to the alleged injury.

Merritt & Latham

J. T. S. Latham
Attorneys for Defendant.

RECORDED

Black
8-274

DEMURRER.

ELLA GILES,
Plaintiff,

VS.

R. LEON JONES MOTOR COMPANY,
INC., a Corporation,

Defendant.

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

Filed August 27, 1937
R. S. Quirk, Clerk,
By: Nanslie Thompson,
Deputy

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon R. LEON JONES MOTOR COMPANY, INC., a Corporation, 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 ELLA GILES.

WITNESS my hand this 22 day of July, 1938.


Clerk.

ELLA GILES,)	IN THE CIRCUIT COURT OF
Plaintiff,)	
)	BALDWIN COUNTY, ALABAMA,
VS.)	
)	AT LAW.
R. LEON JONES MOTOR COMPANY,)	
INC., a Corporation,)	
Defendant.)	

ONE: The Plaintiff claims of the Defendant FIVE THOUSAND (\$5,000.00) DOLLARS, as damages, for that heretofore, on to-wit, June 13th, 1938, Plaintiff was a guest in an automobile riding along a public highway, commonly known as the Montgomery-Mobile Highway, at a point approximately twelve miles North of Bay Minette, in Baldwin County, Alabama; Plaintiff avers that Defendant, acting by and through its agents or servants, who were then and there acting within the line and scope of their employment, so negligently operated an automobile truck or wrecker and equipment, on said highway, as to block or obstruct said highway at said point; Plaintiff further avers that in an effort on the part of the driver of said automobile, ^{then and there} to avoid running upon, against or into said automobile truck or wrecker and equipment and thus greatly endangering the lives of the Plaintiff and the other occupants of the said automobile, the said automobile was wrecked or turned over and Plaintiff was thrown to the ground with great force, doing her great and serious bodily harm; that her right arm was broken, shoulder bruised, both knees bruised and lacerated, right thigh was bruised and lacerated, and she was otherwise bruised about the body and head; that as a proximate consequence of said injuries, Plaintiff suffered much physi-

cal pain and mental anguish, and will continue to suffer much physical pain and mental anguish for a long time to come, was caused to lose much time from her business or profession and will continue to lose much time from her business or profession in the future, was permanently injured and rendered permanently disabled to earn a livelihood, incurred heavy expenses for medicines, medical, surgery and hospital services, all to the damage of the Plaintiff in the sum herein sued for;

Plaintiff avers that said injuries to Plaintiff were proximately caused by the negligence of the Defendant, acting by and through its agents or servants, who were then and there acting within the line and scope of their employment, in so operating an automobile truck or wrecker and equipment as to block or obstruct the passage along said highway at said point.

TWO: The Plaintiff claims of the Defendant FIVE THOUSAND (\$5,000.00) DOLLARS, as damages, for that heretofore, on to-wit, June 13th, 1938, Plaintiff was a guest in an automobile riding along a public highway, commonly known as the Montgomery-Mobile Highway, at a point approximately twelve miles North of Bay Minette, in Baldwin County, Alabama; Plaintiff avers that Defendant, acting by and through its agents or servants, who were then and there acting within the line and scope of their employment, so negligently operated an automobile truck or wrecker and equipment, on said highway, as to block or obstruct said highway at said point; Plaintiff further avers that in an effort on the part of the driver of said automobile ^{then and there} to avoid running upon, against or into said automobile truck or wrecker and equipment and thus greatly endangering the lives of the Plaintiff and the other occupants of the said automobile, the said automobile was wrecked or turned over and Plaintiff was thrown to the ground with great force, doing her great and serious bodily harm; that her right arm was broken, shoulder bruised, both knees bruised and lacerated, right thigh was bruised and lacerated, and she was otherwise bruised about the body and head; that as a proximate consequence of said injuries, Plaintiff suffered much physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish for a long time to come, was caused to lose much time from her business or profession, and will continue to lose much time from her business or profession in the future, was permanently injured and rendered permanently disabled to earn a livelihood, incurred heavy expenses for medicines, medical, surgery and hospital services, all to the damage of the Plaintiff in the sum herein sued for;

Plaintiff avers that Plaintiff's injuries and damages were proximately caused by the negligence of the Defendant, acting by and through its agents or servants, who were then and there acting within the line and scope of their employment, in that it so negligently operated an automobile truck or wrecker and equipment as to block or obstruct said highway at said point and negligently failed to have and maintain proper signals or other warnings that said highway was so blocked or obstructed at said point, and as a proximate consequence of said negligence, the said automobile in which the Plaintiff was riding as a guest as aforesaid was wrecked or turned over, and Plaintiff ^{was} injured, as hereinabove set out, hence this suit.

THREE: Plaintiff claims of the Defendant FIVE THOUSAND (\$5,000.00) DOLLARS, as damages, for that heretofore, on to-wit, June 13th, 1938, Plaintiff was a guest in an automobile riding along a public highway, commonly known as the Montgomery-Mobile Highway, at a point approximately twelve miles North of Bay Minette, in Baldwin County, Alabama; Plaintiff avers that Defendant, acting by and through its agents or servants, who were then and there acting within the line and scope of their employment, so negligently and unlawfully parked or left an automobile truck or wrecker on said highway at said point, in such manner that less than fifteen feet of the main traveled portion of the highway opposite the said parked or standing automobile truck or wrecker and equipment was left for the free passage of other vehicles; that in an effort on the part of the driver of said automobile ^{then and there} to avoid running upon, against or into said automobile truck or wrecker and equipment and thus greatly endangering the lives of the Plaintiff and the other occupants of the said automobile, the said automobile was wrecked or turned over and Plaintiff was thrown to the ground with great force, doing her great and serious bodily harm; that her right arm was broken, shoulder bruised, both knees bruised and lacerated, right thigh was bruised and lacerated, and she was otherwise bruised about the body and head, and as a proximate result of said injuries she suffered much physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish for a long time to come, was caused to lose much time from her business or profession, and will continue to lose much time from her business or profession in the future, was permanently injured and rendered permanently disabled to earn a livelihood, incurred heavy expenses for medicines, medical, surgery and hospital services, all ^{to} the damage of the Plaintiff in the sum herein sued for;

Plaintiff avers that said injuries to Plaintiff were proximately caused

by the negligence of the Defendant, acting by and through its agents or servants, who were then and there acting within the line and scope of their employment, so negligently and unlawfully parked or left standing the said automobile truck or wrecker and equipment, in such manner that less than fifteen feet of the main traveled portion of the highway opposite the said parked or standing automobile truck or wrecker and equipment was left for the free passage of other vehicles, and as a proximate consequence of said negligence, the said automobile in which the Plaintiff was riding as a guest, as aforesaid, was wrecked or turned over and Plaintiff was injured, as hereinabove set out, hence this suit.

FOUR: Plaintiff claims of the Defendant FIVE THOUSAND (\$5,000.00) DOLLARS, as damages for that heretofore, on to-wit, June 13th, 1938, Plaintiff was a guest in an automobile riding along a public highway, commonly known as the Montgomery-Mobile Highway, at a point approximately twelve miles North of Bay Minette, in Baldwin County, Alabama; Plaintiff avers that Defendant, acting by and through its agents or servants, who were then and there acting within the line and scope of their employment, negligently and unlawfully parked or left standing an automobile truck or wrecker and equipment, on said highway, at said point, so as to block or obstruct passage along said highway; Plaintiff further avers that in an effort on the part of the driver of said automobile, ^{then and there} to avoid running upon, against or into said automobile truck or wrecker and equipment and thus greatly endangering the lives of the Plaintiff and the other occupants of the said automobile, the said automobile was wrecked or turned over and Plaintiff was thrown to the ground with great force, doing her great and serious bodily harm; that her right arm was broken, shoulder bruised, both knees bruised and lacerated, right thigh was bruised and lacerated, and she was otherwise bruised about the body and head, and that as a proximate consequence of said injuries, she suffered much physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish for a long time to come, was caused to lose much time from her business or profession, and will continue to lose much time from her business or profession in the future, was permanently injured and rendered permanently disabled to earn a livelihood, incurred heavy expenses for medicines, medical, surgery and hospital services, all to the damage of the Plaintiff in the sum herein sued for;

Plaintiff avers that Plaintiff's injuries and damages were proximately

caused by the negligence of the Defendant, acting by and through its agents or servants, who were then and there acting within the line and scope of their employment, in parking or leaving standing the said automobile truck or wrecker and equipment, so as to block or obstruct passage along said highway at said place and negligently failed to have and maintain proper signals or other warnings that said highway was so blocked or obstructed at said point, and as a proximate consequence of said negligence, the said automobile in which the Plaintiff was riding as a guest, as aforesaid, was wrecked or turned over, and Plaintiff was injured, as hereinabove set out, hence this suit.

Becherdall & Beebe
Attorneys for Plaintiff.

Plaintiff demands a trial by Jury.

Becherdall & Beebe
Attorneys for Plaintiff.

SUMMONS AND COMPLAINT

ELIA GILES,

Plaintiff,

VS.

R. LEON JONES MOTOR COMPANY,
INC., a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed this 23 day July 1938

R. S. Dandridge
Clerk-Register

7/29/1938

cc.

Mr. Robby S. Smith
Essexville, Va. } Ray will write
8.5.

Executed Ray sending copy of suit on
Huge removed as agent for R. Leon Jones motor

ELLA GILES,

Plaintiff,

VS.

R. LEON JONES MOTOR COMPANY,
INC., a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

And now comes the Plaintiff in the above styled cause and for demurrer to Pleas 2, 3, 4, 5, 6, 7, 8, and to each, separately and severally, says:

1. That said plea sets out no facts which constitute a defense to the Plaintiff's cause of action.

2. That said plea attempts to charge the decedent with the negligence of the driver of the automobile without setting out any grounds therefor.

3. That said plea attempts to impute the negligence of the driver of the automobile to the decedent without showing a sufficient relationship between the decedent and the driver of the car.

4. That said plea fails to aver or show that the decedent negligently did or omitted to do anything.

5. That the said plea fails to aver that the decedent had any control over the automobile in which she was riding.

6. That said plea fails to allege or aver that the decedent had any control over the driver of the automobile in which she was riding.

7. That said plea fails to show that the decedent had charge or control of the operation of the automobile in which she was riding.

8. That said plea alleges negligence as a mere conclusion without setting up facts to support the averment.

9. That the facts set out in said plea are the conclusion of the pleader and do not of themselves constitute a defense to the Plaintiff's cause of action.

10. That the said plea fails to allege or aver that the decedent knew and appreciated the danger set out in said plea and voluntarily put herself in the way of it.

11. That said plea fails to allege that the decedent appreciated or was conscious of the danger that might result from the acts or conditions set out in said plea.

12. That said plea fails to aver that the decedent appreciated the danger under the surrounding conditions and circumstances and did not exercise reasonable

care in the premises and with such knowledge and appreciation put herself into the way of danger.

Reber Lee Reber
Atty for Plaintiff

will find Keene
8-415

RECORDED

DEMURRERS:

ELLA GILES,
Plaintiff,

VS.

R. LEON JONES MOTOR CO.,
INC., a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed 9/8/38

J. W. Ware
Judge

Replied to Amended
9/8/38 J. W. Ware
for

ELLA GILES,

Plaintiff,

VS.

R. LEON JONES MOTOR COMPANY,
INC., a Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

PLEAS.

Now comes the Defendant in the above cause, and for pleas to counts 1, 2, 3 and 4 of the Complaint, each separately and severally says as follows:

1. Not guilty.

2. The Defendant says that the said Plaintiff was guilty of negligence which proximately contributed to her alleged injury in that she knew, or by the exercise of ordinary care could have known, that the Ford Coupe in which she was riding was overloaded and that it was being operated over a public highway with brakes that were inadequate to control the movement of and to stop and hold such vehicle and without two separate means of applying the said brakes to at least two wheels and was not so constructed that no part which was liable to failure should be common to two, and notwithstanding the knowledge thereof on the part of the said Plaintiff, she negligently failed to do anything toward having the said defective brakes repaired.

3. The Defendant says that the said Plaintiff was guilty of negligence which proximately contributed to her alleged injuries in that she knew that the Ford Coupe in which she was riding was loaded with five or more people; that it was being driven with defective brakes and at a speed which greatly exceeded fifteen miles per hour, and that notwithstanding the knowledge thereof on the part of the said Plaintiff, she negligently failed to do anything toward having the driver of the automobile in which she was riding slow down or do anything to avoid the alleged injuries although she had ample time to do so after she knew or by the exercise of reasonable care and diligence, could have known, that an accident

was imminent.

4. The Defendant says that the said Plaintiff was guilty of negligence which proximately contributed to her alleged injuries in that she knew and saw that the Ford Coupe in which she was riding contained five or more people; that its brakes were defective and that its driver was driving at an excessive rate of speed and negligently failed to do anything toward repairing the said brakes or making the driver of the car in which she was riding repair the said brakes or slow down to a reasonable rate of speed.

5. The said Plaintiff was guilty of negligence which proximately contributed to her alleged injuries in that she knew and saw that the driver of the car in which she was riding was driving at a speed which exceeded fifteen miles per hour when approaching within fifty feet of and in traversing the intersection of the paved Perdido Highway with U. S. Highway Number 31 when the said driver's view was obstructed and negligently failed to do anything toward stopping the car or making the driver of the car in which she was riding stop or slow down to a speed of fifteen miles per hour.

6. The Defendant says that the said Plaintiff voluntarily assumed the risks of the injuries which she received in this, to-wit: That the Plaintiff and four or more other persons, on the afternoon on which the said Plaintiff was injured, went together in a Ford Coupe automobile driven by a member of the family, to attend the funeral of the Plaintiff's mother and were returning therefrom; that the said automobile had only one main seat and one rumble seat, and that the driver and at least two other persons were seated upon the said main seat, and that the said Plaintiff voluntarily rode in the said car with knowledge that it was overloaded; that it had defective brakes; and continued to ride in it while it was being driven at a reckless, dangerous and excessive speed which resulted in the alleged injuries to the Plaintiff. Defendant avers that the said Plaintiff, with knowledge that the said car was loaded above its capacity, that it was being operated

with defective brakes and at an excessive rate of speed and with knowledge that the highway over which the car was being driven was frequently used by automobiles, other vehicles and pedestrians, willingly and voluntarily rode in such car under such conditions and with the knowledge, thereby assumed such risks.

7. The Defendant says that the said Plaintiff voluntarily assumed the risks of the injuries which she received in this: That she knew and saw or by the exercise of ordinary care could have known and seen that the driver of the car in which she was riding was driving at a speed which exceeded fifteen miles an hour when approaching within fifty feet of and in traversing the intersection of the paved Perdido Highway with U. S. Highway 31, when the said driver's view was obstructed and she failed to exercise such care by not doing anything toward stopping the car or making the driver of the car in which she was riding slow down to a speed of fifteen miles an hour, and willingly and voluntarily rode in such car under such conditions and with the knowledge thereby assumed such risks.

8. The Defendant says that the said Plaintiff voluntarily assumed the risks of the injuries which she received in this: That she knew and saw, or by the exercise of ordinary care could have known and seen, that the car in which she was riding was being operated over a public highway with brakes that were inadequate to control the movement of and to stop and hold the said vehicle and without separate means of applying said brakes to at least two wheels and was not so constructed that no part which was liable to failure should be common to two, and failed to exercise such care by not doing anything toward repairing the said brakes, and willingly and voluntarily rode in such car under such conditions and with the knowledge thereby assumed such risks.

Richard N. Muritt.
J. B. Blackburn
Attorneys for Defendant.

Civil Time
RECORDED
Recon 8-414-5

Deas
Filed 9/8/38
J. W. Stare
Judge

ELLA GILES,

Plaintiff,

VS.

R. LEON JONES MOTOR COMPANY,
INC., a Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

INTERROGATORIES TO BE PROPOUNDED TO ELLA GILES
UNDER SECTION 7764 OF THE 1923 CODE OF ALABAMA.

1. Explain in detail how you were injured in the automobile accident for which you have brought a damage suit against R. Leon Jones Motor Company, a Corporation.
2. What doctor or doctors attended or treated you after this accident?
3. Give the date or dates of all visits made by you to any doctor or doctors or any visits made to you by any doctor or doctors in connection with the injuries which you claim to have received, the name of the doctors, the amounts that they charged you for services rendered and state what services the doctor or doctors rendered to you.
4. Were you confined to bed by the injuries which you claim to have received? If so, when and where were you confined to bed and on what dates were you so confined?
5. At the time of the alleged accident in whose automobile were you riding and what was the occasion for your riding in this automobile at that time?
6. What kind of car were you riding in at the time of the alleged accident; where were you riding in it; how many other people were in the car at that time; and how many people were riding on the same seat with you?
7. Where did you leave from and where were you going at the time the alleged accident occurred?
8. What was the condition of the brakes on the car in which you were riding at the time of the said accident?
9. At what rate of speed was the car in which you were riding traveling at the time of the alleged accident?

10. Describe the position and location of the automobile in which you were riding on the highway, at the time you first saw the wrecker of the R. Leon Jones Motor Company.

11. Describe the position of the wrecker of the R. Leon Jones Motor Company at the time the car in which you were riding turned over, explain fully what highway it was located on and its position on the highway, and also explain fully where the car in which you were riding turned over and the distance between the place where your car turned over and where the Jones Wrecker was located at the time the car in which you were riding turned over.

12. What was the age of the car in which you were riding at the time of the alleged accident?

Richard H. Merritt

J. B. Blackburn

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is one of the attorneys for the Defendant in the above entitled cause and that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Defendant in the said cause.

J. B. Blackburn

Sworn to and subscribed before me on
this the 1st day of July, 1939.

Orin Simon

Notary Public, Baldwin County, Alabama.

Servin accepted this July 12, 1939
Richard Lee Baker
Atty for Plaintiff

Civil Minute Record 8
4/5/16

INTERROGATORIES TO BE PROPOUNDED
TO ELLA GILES, UNDER SECTION
7764 OF THE 1923 CODE OF ALA-
BAMA.

ELLA GILES,

Plaintiff,

VS.

R. LEON JONES MOTOR COMPANY,
INC., a Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed July 13, 1939
R. S. DUCK

clerk, register

By *Handwritten Signature*
Deputy