

MADELINE JACKSON,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 987

INTERROGATORIES PROPOUNDED TO THE PLAINTIFF BY THE DEFENDANT:

1. Please state your age and your residential address. (a)

Where were you living on June 25, 1946, the date of the collision?

(b) Do you know Mary Jackson and Mrs. H. S. Jackson? (c) If so,

how long have you known them? (d) What relation are they to you?

(e) Who was driving said automobile at the time of the collision?

(f) How old is the driver? (g) What was her residential address?

(h) Were Mary Jackson and Mrs. H. S. Jackson visiting in Baldwin

County, Alabama, at the time of the collision? (i) If so, from what

State did they come to Baldwin County? (j) Who were they visiting?

(k) Where were you and they going in the automobile at the time of

the collision? (l) From what point had you come? (m) What time of day

did the collision occur?

2. Did you see Defendant's automobile prior to the collision?

(a) If so, how far distant was it from the automobile in which you

were riding when you first saw it? (b) What precautions, if any,

did the driver of the said automobile in which you were riding take

to avoid the collision? (c) State in detail how said collision occurred.

(d) Have you done this?

3. Were you injured in said collision? (a) If so, what injuries

did you suffer? (b) What doctors attended you? (c) Were you confined

to your bed? (d) If so, for what period of time? (e) Were you con-

finned to a hospital? (f) If so, for what period of time? (g) Were

you put to any expenses on account of said collision? (h) If so, state

the amount and itemize the same. (i) Please give the names and addresses

of all doctors who treated you. (j) Were you employed at the time of the

collision? (k) If so, by whom and what was your salary? (l) Please

State the amount of time you lost from your work.

Johnston, McCalla Junior
Sam M. Johnston
Attorneys for Defendant

STATE OF ALABAMA *

COUNTY OF MOBILE *

Before me, Elsie M. Tetley, a Notary Public in and for said State and County, personally appeared Sam M. Johnston, who, upon being first duly sworn on oath, deposes and says that he is one of the attorneys for the Defendant in the above entitled cause and that answer to the above and foregoing interrogatories, if well and truly made, will be material evidence for the Defendant in the trial of this cause.

Sam M. Johnston

Subscribed and sworn to before me
on this 18th day of September, 1946.

Elsie M. Tetley
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

Attaching a copy of the within
on H. M. Hall attorney of
record for the plaintiff.

H. M. Hall
Shuff

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW NO. 987

MADELINE JACKSON,
Plaintiff,

VS.

LEE ROBINSON,
Defendant.

- - - - -

INTERROGATORIES PROPOUNDED
TO THE PLAINTIFF BY THE
DEFENDANT

Filed Sept 19-1946
Robert

JOHNSTON, MCCALL & JOHNSTON
LAWYERS
SUITE 804, FIRST NATIONAL BANK ANNEX
MOBILE 4, ALABAMA

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW No. 987.

Answer to Interrogatory One: 55 years, 1809 Clearmont Street, Mobile, Alabama.

- Answer to Interrogatory Two: Yes

b. She had already stopped to the South of the highway to Bay Minette before I saw the other automobile.

c. The automobile in which I was had stopped before crossing the lane of traffic from the Bay Bridge to Bay Minette, when all of a sudden the automobile driven by Mr. Robinson came

up the hill from the direction of the Bay Bridge going very fast and swerving. His car was going so fast that it appeared to me that the car crashed into the side of the car in which I was riding almost immediately after I saw his car at the rise of the hill. Mr. Robinson's car swerved off the strip of the highway to the right and hit the automobile in which I was riding slightly to the front of the left hand side and that is the last I remember until about the time I reached the hospital in the ambulance.

d. Yes

Answer to Interrogatory Three: Yes

a. My pelvis was fractured, one of my teeth was knocked out, my head was lacerated and bruised, my right leg was injured, my right hand and my leg were injured, I was knocked unconscious, I was injured internally and caused to suffer from pleurisy for sometime thereafter, was made sick, sore and lame, was caused to remain in bed and be confined to the house for a long time and was caused to suffer and to still continue to suffer mental and physical pain and suffering.

b. Dr. Arthur Wood and Dr. W. C. Stephens

c. Yes

d. I was confined to my bed for five weeks and to my room and the house for an additional four weeks.

e. Yes

f. For five days, and they let me go home in a fracture bed with a nurse after that.

g. Yes

h. Hospital bill \$25.00, 3 X-Rays \$20.00, Ambulance Charge \$25.00, Rent of Fracture bed \$55.00, Paid for trained nurse \$200.00, Paid for medicine about \$15.00, Board during nine weeks of confinement \$250.00, Loss of time from work so far \$450.00, Board for another four weeks \$150.00. I haven't gotten bill from my Doctors yet. In addition to this I will have to take a series of light treatments for my hip. The Doctors' bills will probably be about \$100.00 plus light treatments.

i. DR. Arthur Wood, Merchants National Bank Building, Mobile, Alabama, and Dr. W. C. Stephens, First National Bank Building, Mobile, Alabama.

j. Yes

k. I was engaged in private duty at \$7.00 per day.

l. Total loss of nine weeks and I am still off part time.

Magdaline Jackson

STATE OF ALABAMA)
COUNTY OF MOBILE)

Personally appeared before me, the undersigned authority, Magdaline Jackson, who, being first duly sworn, on oath deposes and says that she is the Plaintiff in the above styled cause, and that to the best of her knowledge, information and belief, the foregoing answers to interrogatories are true and correct.

Magdaline Jackson

Sworn to and subscribed before me this 10th day of July, 1947.

Edith Mandeville
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

We accept service of a copy
of the above. This 12th July 1947.
J. Smith, Notary Public
Deposits all.

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE COMMANDED to summons LEE ROBINSON 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 MADELINE JACKSON.

WITNESS my hand this the 23 day of August, 1946.

R. R. Luck
Clerk

MADELINE JACKSON

PLAINTIFF

VS

LEE ROBINSON

DEFENDENT

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

1.

The plaintiff claims of the defendant FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that on, to-wit, June 25, 1946, the plaintiff was a guest in an automobile riding along highway # 90, a public highway in Baldwin County, Alabama, at the intersections of Highways #90 and #31 at Spanish Fort, in Baldwin County, Alabama, and then and there the defendant negligently drove an automobile into, over or against, the automobile in which the plaintiff was riding as a guest, and by reason thereof and as a proximate result and consequence thereof, the plaintiff suffered injuries and damages as follows: her pelvis was fractured; her head was lacerated and bruised; her right leg was injured; her left hand was injured; she was knocked unconscious; she was made sick, sore and lame; she was injured internally; she was permanently injured; she suffered and continues to suffer great mental anguish and physical pain; she was caused to lose time from her work; she was caused to incur doctor bills; she was caused to incur drug bills; she was caused to incur hospital bills, for all of which she claims damage as aforesaid.

2.

The plaintiff claims of the defendant FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that on, to-wit, the 25 day of June, 1946, the plaintiff was riding, as a guest, in an automobile, along the highway leading from Fairhope

to Mobile, a public highway, in Baldwin County, Alabama, and on said date at a point where said highway intersects with Highway #31, at or near Spanish Fort in Baldwin County, Alabama, the defendant negligently drove an automobile into, over or against the automobile in which the plaintiff was riding as a guest, and by reason thereof and as a proximate result and consequence thereof, the plaintiff suffered injuries and damages as follows: her pelvis was fractured; her head was lacerated and bruised; her right leg was injured; her left hand was injured; she was knocked unconscious; she was made sick, sore and lame; she was injured internally; she was permanently injured; she suffered and continues to suffer great mental anguish and physical pain; she was caused to lose time from her work; she was caused to incur doctor bills; she was caused to incur drug bills; she was caused to incur hospital bills, for all of which she claims damages as aforesaid.

3.

The plaintiff claims of the defendant FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that on, to-wit, June 25, 1946, the plaintiff was riding, as a guest in an automobile, along Highway #90 and that at the intersection of Highway #90 and Highway #31 at or near Spanish Fort in Baldwin County, Alabama, the defendant willfully or wantonly drove an automobile into, upon, over or against the automobile in which the plaintiff was riding, and by reason thereof and as a proximate result and consequence thereof the plaintiff was injured as follows: her pelvis was fractured; her head was lacerated and bruised; her right leg was injured; her left hand was injured; she was knocked unconscious; she was made sick sore and lame; she was injured internally; she was permanently injured; she suffered and continues to suffer great mental anguish and physical pain; she was caused to lose time from her work; she was caused to incur doctor bills; she was caused to incur drug bills; she was caused to incur hospital bills, for all of which she claims damages as aforesaid.

Arthur Kearley
BEEBE & HALL

BY: [Signature]
Attorney for the Plaintiff

The defendant demands trial by jury.

Arthur Kearley
BEEBE & HALL

BY: [Signature]
Attorney for the Plaintiff

987

RECORDED

Madeline Jackson

Plaintiff

VS

Lee Robinson

Defendant

Summons and Complaint

7200 Oct 23. 1946
J. H. Jackson
J. H. Jackson

11-8-46

Aug 21 1946
In serving copy of writ of Summons and
Complaint on

See P. Robinson

C. E. Stewart Sheriff
14-714 Deputy Sheriff

One copy of the writ of
Summons and Complaint
sent to the
at 5:00 P. M.
Prof. J. H. Jackson

BEEBE & HALL

LAWYERS

BAY MINETTE, ALABAMA

MADELINE JACKSON

PLAINTIFF

VS

LEE ROBINSON

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

NO. 987

Now comes the Plaintiff and amends her complaint heretofore filed in this cause, by adding count 4, as follows:

4.

The Plaintiff claims of the Defendant FIFTEEN THOUSAND (\$15,000.00) DOLLARS, as damages, for that on to-wit: June 25, 1946, the Plaintiff was riding in an automobile, along Highway #90, and at the intersection of Highway #90 and Highway #31, at or near Spanish Fort in Baldwin County, Alabama, the Defendant wantonly, willfully or intentionally injured the Plaintiff by causing an automobile, which he was then and there driving to run into, upon or against the automobile in which the Plaintiff was riding, and as a proximate result of said negligence the Plaintiff was injured as follows: her pelvis was fractured; her head was lacerated and bruised; her right leg was injured her left hand was injured; she was knocked unconscious; she was made sick, sore and lame; she was injured internally; she was permanently injured; she suffered and continues to suffer great mental anguish and physical pain; she was caused to lose time from her work; she was caused to incur doctor bills; she was caused to incur drug bills; she was caused to incur hospital bills, for all of which she claims damages as aforesaid.

Arthur Keesley

J. L. Saxe

Attorney for Plaintiff

989

RECORDED

Madeline Jackson
vs
Lee Robinson

Amended Bill of
Complaint

Filed

9-30-46

R.S. Luck
clerk

MADELINE JACKSON,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 987

The Defendant for answer to Counts 1 and 2 of
Complaint says he is not guilty. *and 4*
1

John, McCall, Jr.
Hyatt & Chason
Attorneys for Defendant

IN THE CIRCUIT COURT OF
BAIDWIN COUNTY, ALABAMA

AT LAW

NO. 987

MADELINE JACKSON,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

ANSWER

Filed Sept 19, 1946
R. H. [illegible]
[illegible]

JOHNSTON, MCCALL & JOHNSTON
LAWYERS

SUITE 804, FIRST NATIONAL BANK ANNEX
MOBILE 4, ALABAMA

MADELINE JACKSON,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 987

Comes the Defendant and demurs to Count 3 of the Complaint on the following separate and several grounds:

1. It does not appear that the Defendant willfully and wantonly injured the Plaintiff.
2. Because said Count fails to aver facts showing that the Defendant was guilty of any willfulness or wantonness.

James M. McCallister
Hyatt A. Choate
Attorneys for Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

RECORDED

AT LAW

No. 987

MADELINE JACKSON,

plaintiff,

VS.

LEE ROBINSON,

defendant,

DEMURRERS

Filed first 19 1946
R. H. Smith

JOHNSTON, MCCALL & JOHNSTON
LAWYERS

SUITE 804, FIRST NATIONAL BANK ANNEX
MOBILE 4, ALABAMA

MADELINE JACKSON,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No.987

DEMURRER TO COUNT 4 OF THE AMENDED COMPLAINT

Comes the Defendant in the above entitled cause and demurs to Count 4 of the Amended Complaint, on the following separate and several grounds:

1. Because said Count does not aver that the Plaintiff suffered as a proximate result of a wanton, wilful or intentional injury.

2. Because said Count fails to aver that the Plaintiff was injured as a proximate result of the Defendant's wilfullness, wantonness, or intention.

3. Because said Count does not show that Plaintiff's alleged injury was the proximate result of the Defendant's wantonness, wilfullness or intention.

4. Because said Count does not allege that Plaintiff was injured as a proximate result of Defendant's wantonness, wilfullness or intention.

5. Because said Count fails to charge the Defendant with negligence, either generally or specially.

6. Because said Count fails to charge the Defendant with either simple negligence or wilful, wanton or intentional injury.

Johnston McRae & Johnston
Attorneys for Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW No. 987

MADELINE JACKSON,

Plaintiff,

VS.

LEE ROBINSON,

Defendant.

DEMURRER

TO COUNT 4 OF THE AMEND-
ED COMPLAINT

Filed

2-27-47

Oliver J. Muck
clerk

JOHNSTON, MCCALL & JOHNSTON
LAWYERS
SUITE 804, FIRST NATIONAL BANK ANNEX
MOBILE 4, ALABAMA

STATE OF ALABAMA

BALDWIN COUNTY

Before me J. F. Masliburne, a Notary Public, in and for said State and County personally appeared John Chason who is known to me and who, after being by me first duly and legally sworn, deposes and says, under oath as follows:-

That he is one of the Attorneys of record for Lee Robinson, the Defendant in a case now pending in the Circuit Court of Baldwin County, Alabama, in which Madeline Jackson is the Plaintiff, being case #987; that Mrs. Ruth Gilliam is a resident of Selma, Alabama; that she resides more than 100 miles from Bay Minette, Alabama, the place where the trial will be had in said cause, computing by the route usually traveled; that the said Mrs. Ruth Gilliam is a witness for the Defendant in said cause and that the personal attendance of said witness is necessary to a proper decision of said cause and that her deposition would be insufficient for that purpose.

John Chason

Sworn to and subscribed
before me this 20th day of
October, 1947.

J. F. Masliburne
Notary Public, Baldwin County, Ala.

AFFIDAVIT

RECORDED

MADELINE JACKSON,

Complainant,

-VS-

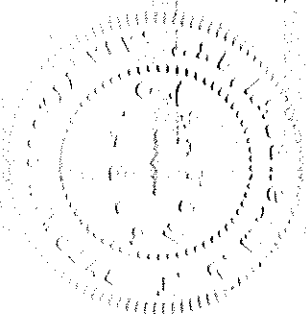
LEE ROBINSON,

Respondent.

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

Filed October 30, 1947.

Wm. J. Rusk
Clerk.



STATE OF ALABAMA
COUNTY OF MOBILE

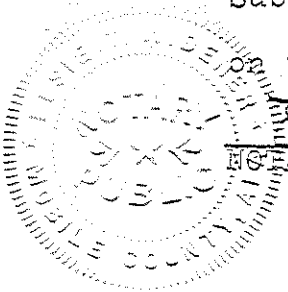
Before me, the undersigned authority in and for said State and County, personally appeared William E. Johnston, who, being by me first duly sworn on oath deposes and says that he is one of the attorneys for Lee Robinson, the defendant in the case entitled " Madeline Jackson, Plaintiff, vs. Lee Robinson, Defendant, No. 987" now pending in the Circuit Court of Baldwin County, Alabama, and that Mrs. Ruth Gilliam is a resident of Selma, Alabama, Dallas County, over three hundred (300) miles from the place of trial of said cause, and that personal attendance of the witness, Mrs. Ruth Gilliam, is necessary to a proper decision of the cause and that her deposition would be insufficient for that purpose.

William E. Johnston

Subscribed and sworn to before me

on this 2nd day of July, 1947.

Ellie T. Widener
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA



IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

NO. 987

MADELINE JACKSON,

Plaintiff,

vs.

LIEE ROBINSON,

Defendant,

Affidavit showing neces-
sity of personal ap-
pearance of witness, Mrs.
Ruth Gilliam.

FILED

JUL 3 1947

ALICE T. DUCK, Clerk

JOHNSTON, McCALL & JOHNSTON
LAWYERS
SUITE 804, FIRST NATIONAL BANK ANNEX
MOBILE 4, ALABAMA

State of Alabama

No. 987

Circuit COURT.

County

Fall

Term, 192-47

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

It having been made known to the Court, by competent evidence, that heretofore, viz.: On the

27th day of October 19-47 a Subpoena issued out of this Court directed to

Dr. Arthur Wood commanding him to appear at the present term of this Court to give evidence in behalf of

Plaintiff in a case pending in this Court, wherein

Madeline Jackson Plaintiff,

and Lee Robinson Defendant.

And it appearing to the Court by return of the Sheriff on said Subpoena endorsed that the said Dr. Arthur Wood was duly summoned

to appear at this term, and from term to term thereafter, according to law; and it further appearing that the said Dr. Arthur Wood has wilfully refused to appear,

and testify as by said Subpoena he was required, and wilfully and without good excuse, refused to appear in obedience to said Subpoena; You are therefore commanded to arrest the said Dr.

Arthur Wood and him safely keep, so that you have him before this Court on the 6th day of November 19-47

Herein fail not, and show by your return how you have executed this process.

Alice J. Luck Clerk

BOND

State of Alabama

BALDWIN COUNTY

We, _____

_____ agree to pay the State of Alabama, _____ Dollars, unless _____

appears at the next term of Circuit Court of said County, and from day to day, and from term to term thereafter, until discharged by due course of law, to testify and give evidence in behalf of....

_____ in a criminal prosecution wherein the State of Alabama is Plaintiff, and _____

_____ Defendant charged with the offence of _____

And we, and each of us, hereby waive all rights of claim of exemption we or either of us have now or may hereafter have, under the constitution and laws of the State of Alabama _____

hereby certify that _____ have property free from all incumbrance, to the full amount of the above bond.

Witness our hands and seals this _____ day of _____ 19-47

Taken and approved,

Sheriff

(L. S.)

(L. S.)

(L. S.)

(L. S.)

No. 987 Page

The State of Alabama,
Baldwin County.

Circuit COURT

The State of Alabama,
vs.

Attachment Writ Against

Dr. Arthur Wood

Witness.

ATTACHMENT FOR WITNESS

Issued 11-6-47, 192

Alice J. Duck

Clerk

Defendant lives at

Bail of the defendant.. in this case
has been fixed by the presiding Judge,
in open court at.....

Dollars.

Clerk.

SURETIES

Amount of Bond, \$

Received in office

19

Sheriff.

I have executed this writ,

this Nov 6th 1947

by arresting the within named Defendant

and bringing him

into Court

Hayes Wilkins
Sheriff

H. F. Hall

Deputy Sheriff

22. The Court charges you gentlemen of the jury that if you believe the evidence in this case, you cannot find the Plaintiff guilty of negligence that would defeat her recovery.

Refused
advised

2. The Court charges the jury that if you believe the evidence in this case, you cannot find for plaintiff under Count 2 of the complaint.

*Refused
Bethanna
Judge*

JURY CHARGES IN MADELINE JACKSON VS. LEE ROBINSON

1. The Court charges the jury that if you believe the evidence in this case, you cannot find for plaintiff under Count 1 of the complaint.

*Refused
Bethanna, Judge*

his automobile at the time of the collision in this case at a speed in excess of a reasonably careful and prudent speed at that time and place, and that his operation of said car in such manner proximately caused the said collision, then you must find for the Plaintiff.

*Refused
Bethanna
Judge*

4. The Court charges the jury that if you believe the evidence in this case, you cannot find for plaintiff under Count 4 of the complaint.

Refused
Gettman
Judge

5. The Court charges the jury that if you believe the evidence in this case, you should find a verdict for the defendant.

Refused
Gettman
Judge

1. The Court charges you gentlemen of the jury, that if you believe the evidence in this case, you must find for the Plaintiff.

*Refused
J. H. Judge*

5. The Court charges you gentlemen of the jury, that if you find from the evidence that the automobile driven by Defendant and the automobile in which Plaintiff was riding both reached the intersection of the highways where the collision occurred at approximately the same time, it was the duty of the Defendant to stop his automobile to allow the automobile in which Plaintiff was riding to pass before running his car into said intersection.

*Refused
J. H. Judge*

8. The Court charges you gentlemen of the jury that if you find from the evidence in this case that fifty per cent or more of the frontage on the highway where the collision in this case occurred for a distance of three hundred feet or more, was occupied at the time of the collision by buildings in use for business, then it was prima facie lawful for Defendant to have been driving his automobile at that time and place at a speed not exceeding twenty (20) miles per hour.

DeForest
Judge

7. The Court charges you gentlemen of the jury that under the Law when two automobiles approach an intersection at approximately the same time, the one to the right has the right of way.

DeForest
Judge

9. The Court charges you gentlemen of the jury that if you find that the collision in this case occurred at the intersection of the highways and that the Defendant's view was obstructed to the extent that at any time during the last fifty feet of his approach to such intersection he did not have a clear and uninterrupted view to such approach to such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection, it was not prima facie lawful for the Defendant to drive his automobile at that time and place at a speed in excess of fifteen (15) miles per hour.

Advised
Gettysburg
Judge

19. The Court charges you gentlemen of the jury that if you find from the evidence in this case that the Plaintiff's car and the Defendant's car both reached the intersection of the highways where said collision occurred at approximately the same time, the Plaintiff had the right of way.

*Refused
Pat H. Judge*

20. The Court instructs the jury that under the laws of the State of Alabama, any person driving an automobile at an unlawful rate of speed, approaching the intersection of two public highways, waives any right of way that he might have had under the law.

*Refused
Pat H. Judge*

21. The Court instructs the jury that the driver of an automobile approaching an intersection of two public highways at an unlawful rate of speed, waives any right of way that he might have had except for his excessive rate of speed.

*Prepared
at
Judge*

7. The Court charges the jury that if you are reasonably satisfied from the evidence that the collision between defendant's automobile and the automobile in which plaintiff was riding was the result of an accident without fault on the part of the defendant, then your verdict should be for the defendant.

Given
Adrian
Judge

8. The Court charges the jury that if any one juror is not reasonably satisfied that the plaintiff is entitled to recover, then you cannot find a verdict for the plaintiff.

Given
Adrian
Judge

9. The Court charges the jury that if you are reasonably satisfied from the evidence that defendant was operating his automobile at and prior to the time of the said collision in a reasonably prudent and careful manner, your verdict should be for the defendant.

Given
Jefferson
Judge

10. The Court charges the jury that Counts 1 and 2 of the complaint are based upon negligence; that "negligence" may be defined as the doing of that which an ordinarily prudent person would not have done under the same circumstances, or the failure to do an act which an ordinarily prudent person would have done under the same circumstances; and if you are not reasonably satisfied from the evidence in this case that defendant was guilty of negligence as herein defined, then you cannot find a verdict for the plaintiff under Counts 1 and 2 of the complaint.

Given
Jefferson
Judge

11. The Court charges the jury that the burden of proof is upon the plaintiff in this case to prove to your reasonable satisfaction either that the defendant failed to exercise reasonable care and prudence in the operation of his automobile, or that he wantonly, wilfully or intentionally injured the plaintiff and that such negligence, wantonness, wilfulness or intentional wrong proximately caused plaintiff's alleged injuries; and if the plaintiff has failed to meet this burden of proof, then your verdict should be for the defendant.

Given
Robert
Judge

6. The Court charges the jury that your verdict in this case should be based upon the evidence alone and you should not permit your sympathy in any manner to influence your verdict.

G. J. Green
Justice

2. The Court charges you gentlemen of the jury, that if you find from the evidence in this case that the Defendant was not operating his automobile at the time of the collision in this case in a reasonably careful and prudent manner and that his failure to operate his said car in such manner at the time and place of the collision in this case proximately caused the said collision, then you must find for the Plaintiff.

G. J. Green
Justice

18. The Court charges you gentlemen of the jury that if you find from the evidence in this case that the Defendant was driving his automobile at the time and place of the collision in this case at a high rate of speed and in such a reckless and careless manner that he should have been conscious that in so driving he would probably injure another and that his so driving said automobile proximately caused the collision in this case, then you must find for the Plaintiff and you may assess against the Defendant punitive damages.

Wm. J. Thomas
Judge

15. The Court charges you gentlemen of the jury that if you find from the evidence in this case that the Defendant was driving a motor vehicle at the time and place of the injury complained of in this case in such a reckless and careless manner that he was conscious or should have been conscious that in so driving he would probably injure another and as a proximate result thereof the Defendant ran the motor vehicle then and there being driven by Defendant into the automobile in which Plaintiff was riding and Plaintiff was injured, the Defendant was guilty of wantonness and you must find for the Plaintiff, and you have the right to award to Plaintiff punitive damages against the Defendant.

*Given
to the Judge*

14. The Court charges you gentlemen of the jury that if you find from the evidence in this case that the Defendant was driving a motor vehicle at the time and place of the injury complained of in this case in such a reckless and careless manner that he should have been conscious that in so driving he would probably injure another and as a proximate result thereof the Defendant ran the motor vehicle then and there being driven by Defendant into the automobile in which Plaintiff was riding and Plaintiff was injured, the Defendant was guilty of wantonness and you must find for the Plaintiff.

*James
D. [unclear]
[unclear]*

13. The Court charges you gentlemen of the jury that if you find from the evidence in this case that the Defendant was driving a motor vehicle at the time and place of the injury complained of in this case in such a reckless and careless manner that he was conscious that in so driving he would probably injure another and as a proximate result thereof the Defendant ran the motor vehicle then and there being driven by Defendant into the automobile in which Plaintiff was riding and Plaintiff was injured, the Defendant was guilty of wantonness and you must find for the Plaintiff.

Given
Pet. Judge

12. The Court charges you gentlemen of the jury that if you find from the evidence that the Defendant willfully or wantonly ran the automobile being driving by him into the automobile in which the Plaintiff was riding at the time and place complained of, then you must find for the Plaintiff and you have the right to assess against the Defendant punitive damages.

Guinness
Judge

11. The Court charges you gentlemen of the jury that if you find from the evidence that the Defendant willfully or wantonly ran the automobile being driven by him into the automobile in which the Plaintiff was riding at the time and place complained of, then you must find for the Plaintiff.

*Given
Guth Judge*

10. The Court charges you gentlemen of the jury that if you find from the evidence in this case that the Defendant was driving his automobile in approaching the intersection where said collision occurred in such manner that he did not have such control of his automobile as would enable him to stop the same or to turn the same to avoid the collision, then you must find for the Plaintiff.

*Given
Guth Judge*

6. The Court charges you gentlemen of the jury, that if you find from the evidence that the automobile in which the Plaintiff was riding was within the intersection of the highways where the collision complained of occurred before the Defendant's automobile reached said intersection, it was the duty of the Defendant to stop his automobile to allow the automobile in which Plaintiff was riding to cross said intersection before running his car into said intersection.

*Given
Petitioner
Judge*

4. The Court charges you gentlemen of the jury, that if you find from the evidence in this case that the Defendant, after coming into the intersection of the two highways where the collision occurred, turned his car to the right as if to turn within the lane of travel toward Fairhope and then turned his car back to his left and ran into the car in which Plaintiff was riding while said car was within said intersection and that said acts of Defendant proximately caused the collision between Defendant's automobile and the automobile in which the Plaintiff was driving, then you must find for the Plaintiff.

*Given
Petitioner
Judge*

17. The Court charges you gentlemen of the jury that if you find from the evidence in this case that the Defendant was driving his automobile at the time and place of the collision in this case at a high rate of speed and in such a reckless and careless manner that he should have been conscious that in so driving he would probably injure another and that his so driving said automobile proximately caused the collision in this case, then you must find for the Plaintiff.

*Given
Best
Judge*