

1133

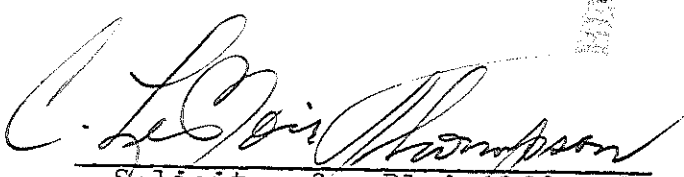
ROYAL JOHNSON	0	
Plaintiff,	0	IN THE CIRCUIT COURT OF
-vs-	0	BALDWIN COUNTY, ALABAMA
LEMMIE R. COLEMAN	0	IN EQUITY
Defendant	0	

TO THE HONORABLE F.W. HARE, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY;

Now comes Royal Johnson, the Plaintiff and Cross-
Defendant in the above styled cause and for answer to the
cross bill of Complaint filed in said cause, says as
follows:

1. To each of the allegations of the Complaint in
said Cross bill, Plaintiff and Cross-Defendant pleads
not guilty.

2. To each of the allegations of the Complaint in
said Cross bill, Plaintiff and Cross-Defendant pleads
that the Defendant and Cross-Plaintiff was himself guilty
of Contributory negligence which was the proximate cause
of said accident.


Solicitor for Plaintiff and
Cross-Defendant.

FILED
OCT 19 1930
BALDWIN COUNTY, ALA.

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Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group and the experimental group. The control group received a standard diet, while the experimental group received a diet supplemented with 10% of the total energy from fat. The subjects were then divided into two subgroups: the control subgroup and the experimental subgroup. The control subgroup received a standard diet, while the experimental subgroup received a diet supplemented with 10% of the total energy from fat. The subjects were then divided into two subgroups: the control subgroup and the experimental subgroup. The control subgroup received a standard diet, while the experimental subgroup received a diet supplemented with 10% of the total energy from fat.

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Figure 1

[illegible]

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).

[illegible][illegible]

ROYAL JOHNSON

PLAINTIFF

VS

LEMMIE COLEMAN

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1133

Now comes the Defendant and demurs to the Plaintiff's complaint and to each count thereof separately and severally, and for grounds of demurrer says:

1.

That said count does not state a cause of action.

2.

That there is a misjoinder of cause of action in the same court.

3.

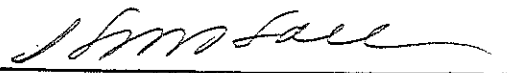
That the said count does not set out how and in what manner the Defendant was negligent.

4.

That said count sets out no negligent on the part of the Defendant.

5.

That said count does not allege that the injuries and damages suffered by the Plaintiff were the proximate result of the negligent of the Defendant.


Attorney for the Defendant

1133.

RECORDED

ROYAL JOHNSON

PLAINTIFF

VS

LEMMIE COLEMAN

DEBENDANT

DEMURRERS

Filed

2-17-48

W. J. Ruck
clerk

- 5 ++++++

ROYAL JOHNSON	§	IN THE CIRCUIT COURT OF
PLAINTIFF	§	BALDWIN COUNTY, ALABAMA
VS	§	AT LAW
LEMMIE COLEMAN	§	NO. 1133
DEFENDENT	§	

Now comes the Defendant and for answer to the Plaintiff's complaint, and to each and every allegation therein, says:

1.

Not guilty.

2.

The the Plaintiff was guilty of negligence that proximately contributed to the injuries complained of.

3.

The Defendant, Lemmie Coleman, claims of the Plaintiff, Royal Johnson, by way of recoupment, the sum of ONE THOUSAND (\$1000.00) DOLLARS, damages ~~and~~ that heretofore on to-wit, December 4, 1947, in Baldwin County, Alabama, upon U. S. highway 31, about five miles North of Bay Minette, and at the same time and place referred to in the Plaintiff's complaint, the said Royal Johnson, so negligently operated an automobile which he was then and there operating on and along said highway as to cause it to come in contact with an automobile driven by the Defendant and as a proximate result of said negligence on the part of the Plaintiff the automobile of the Defendant was damaged as follows:

Front wheel bent and broken; front axle bent;
 Radiator damaged; hood damaged; body damaged;
 Motor damaged; and other wise damaged.

4.

The Defendant Lemmie Coleman claims of the Plaintiff, Royal Johnson, by way of recoupment the sum of ONE THOUSAND (\$1000.00) DOLLARS, damages for and on to-wit, December 4, 1947, at a point on highway 31, about five miles North of Bay Minette, in Baldwin County, Alabama, the Plaintiff negligently stopped the automobile which he was then and there driving along the main traveled


portion of highway, without first giving the proper signal that he was going to stop, and that as a proximate result of the said negligence on the part of the Plaintiff, the automobile of the Defendant collided with the said automobile of the Plaintiff, and as a proximate result of the said negligence on the part of the Plaintiff, the Defendant's automobile was damaged as follows:

Front wheel bent and broken; front axle bent;
Radiator damaged; hood damaged; body damaged;
Motor damaged; and other wise damaged.

5.

The Defendant Lemmie Coleman, claims of the Plaintiff, Royal Johnson, by way of recoupment the ~~sum~~ of ONE THOUSAND (\$1000.00) DOLLARS, that heretofore on to-wit, December 4, 1947, the Plaintiff was operating an automobile along highway 31, a public highway in Baldwin County, Alabama, at a point about five miles North of Bay Minette, without a rear light, and as a proximate result of the said negligence on the part of the Plaintiff, the automobile driven by the Defendant collided with the said automobile of the Plaintiff, and as a proximate result of the said negligence of the part of the Plaintiff the automobile of the Defendant was damaged as follows:

Front wheel bent and broken; front axle bent;
Radiator damaged; hood damaged; body damaged;
Motor damaged; and other wise damaged.


Attorney for Defendant

1212

RECORDED

ANSWER

ROYAL JOHNSON

PLAINTIFF

VS

LEMMIE COLEMAN

DEFENDANT

FILED

OCT 6 1948

ALICE J. DUCK, Clerk

ROYAL JOHNSON

PLAINTIFF

VS

LEMMIE R. COLEMAN

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1133

Now comes the Defendant and moves the Court to set aside the verdict heretofore rendered in this cause, and to grant him a new trial, and for grounds thereof, says:

1.

That the verdict is contrary to law.

2.

That the verdict is contrary to the evidence in the case.

3.

The Court erred in refusing to give charge number four requested by the Defendant, as follows:

"I charge you Gentlemen of the jury that where negligence of one person concurs or coalesces with that of another and the two combine to produce accident, negligence of each is deemed proximate cause of injury."

4.

The Court erred in refusing to give charge number six requested by the Defendant, as follows:

"I charge you Gentlemen of the jury that unless the Defendant, Lemmie Coleman, did or omitted something which a reasonably prudent person similarly situated would not have done, and such proximately caused the injury, you should find for the Defendant, Lemmie Coleman."

5.

The Court erred in calling the attention of the Plaintiff's Attorney to, and making the statement in the presence and hearing of the jury, impaneled and sitting in the trial of this case, in substance as follows:

"The Plaintiff has not proved any damages." and in permitting the Plaintiff thereafter to offer evidence to establish

the damages claimed.

6. The Court erred in overruling motion of Defendant to exclude evidence of Receipt

WHEREFORE the Defendant moves the Court to set aside

the judgment, and to grant him a new trial.

John S. Hall

Attorney for the Defendant

Presented and set for hearing

December 9th 1948

This 11/25/48.

F. W. Hare
Judge

The above and foregoing motion for a new trial is ordered granted, and the Clerk ordered to reinstate the cause on the docket for a new trial.

This December 9th 1948.

F. W. Hare
Judge

#1133

Royal Johnson
vs

Lemmie R. Clark

Motion for New Trial

Filed
11-24-48
Alice J. Neuk
Clerk

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE COMMANDED to summon LEMMIE R. COLEMAN 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 same, then and there to answer the Complaint of Royal Johnson.

Witness my hand, this 12 day of January, 1948.

Alice J. Leuch
Clerk

ROYAL JOHNSON

PLAINTIFF

VS

LEMMIE R. COLEMAN

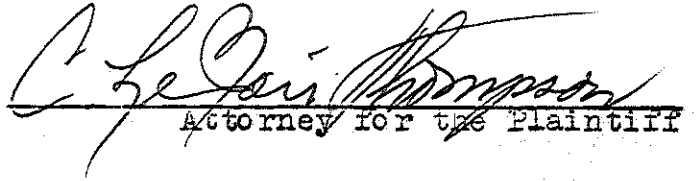
DEFENDANT

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

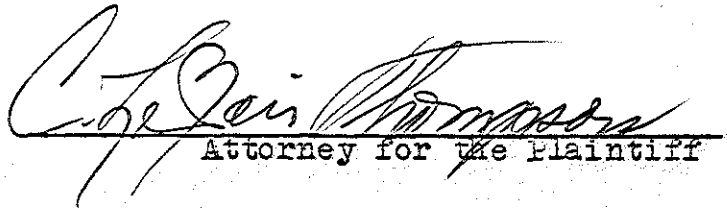
Count 1. The Plaintiff claims of the Defendant the sum of FIFTEEN HUNDRED AND NO-100 DOLLARS (\$1,500.00) as damages for that on, to-wit: December 4, 1947, in Baldwin County, Alabama, plaintiff was driving his automobile upon a public highway, to-wit, U. S. Highway 31, about 5.4 miles from the Court House, on the road toward Atmore, Alabama, and then and there the defendant negligently ran another automobile into, upon or against plaintiff's automobile, and thereby as the proximate result plaintiff's automobile was demolished, greatly damaged and burned, and the said automobile was totally destroyed, and the Plaintiff received bruises, contusions, lacerations and shock, he was made sick, sore, lame, he was bruised internally, and caused to lose time from his work, he was rendered less able to work, for all of which he claims damages as aforesaid.

Count 2. The Plaintiff claims of the Defendant the sum of FIFTEEN HUNDRED AND NO-100 DOLLARS (\$1,500.00) as damages for that on, to-wit: December 4, 1947, in Baldwin County, Alabama, plaintiff was driving his automobile upon a public highway, to-wit, U. S. Highway 31, about 5.4 miles from the Court House, on the road toward Atmore, Alabama, and then and there the Defendant being conscious at the time that his conduct in so doing would probably result in injury to the Plaintiff's said car and the occupants thereof, wilfully and wantonly ran another automobile into, upon or against the plaintiff's said automobile and thereby and as the proximate result and consequence thereof

the Plaintiff's automobile, was demolished, greatly damaged, and burned, and the said automobile was totally destroyed, and the Plaintiff received bruises, contusions, lacerations and shock, and he was made sick, sore and lame, he was bruised internally and caused to lose time from his work, he was rendered less able to work, for all of which he claims damages as aforesaid.


Attorney for the Plaintiff

Plaintiff Demands a Jury Trial


Attorney for the Plaintiff

We find the defendant not
guilty on negligence of both parties
Foreman J. J. [unclear]
Duncan J. Beech

We, the jury, find for the
Defendant.

Foreman Duncan J. Beech

We, the Jurors find The Defendant
negligence in the operation of his Automobile
causing the damage of the Plaintiff's
automobile to the extent of the amount of
\$700.00.

Foreman Joseph Lynch

1133

ROYAL JOHNSON

VS RECORDED

LEMMIE R. COLEMAN

COMPLAINT

FILED

JAN 12 1948

ALICE J. MCK, Clerk

From the Law Offices
of

C. LENOIR THOMPSON
Attorney at Law
Bay Minette, Alabama

Received in Sheriff's Office
this 12 day of Jan., 1948
TAYLOR WILKINS, Sheriff

Executed Jan. 22, 1948
by serving copy of within Summons and
Complaint on

Lemmie R. Coleman

Joseph W. Wilkins Sheriff

Re H. H. [unclear] Deputy Sheriff

JURY LIST

BALDWIN COUNTY CIRCUIT COURT

JURY LIST

No.	Name	Residence
1.	Dan Camp,	Bay Minette.
2.	Fred McKenzie,	Magnolia Springs.
3.	Clarence Moore,	Fairhope.
4.	W. D. White,	Bay Minette.
5.	Ned Noonan,	Bay Minette.
6.	William A. Glover,	Daphne.
7.	Jack Matthews,	Bay Minette.
8.	Wm. P. Baldwin,	Robertsdale.
9.	Henry S. Skipper,	Loxley.
10.	Elmer V. Lovell,	Silverhill.
11.	C. C. Brown,	Josephine.
12.	J. A. Mothershead,	Lottie.
13.	Joseph Lynd,	Bay Minette
14.	Lawrence F. Boesch,	Bay Minette.
15.	John Broughton,	Bay Minette.
16.	Elwood G. Poos,	Robertsdale.
17.	Charles Wenzel,	Foley.
18.	George Heidelberg,	Silverhill.
19.	Coleman Armstrong,	Bay Minette.
20.	Jessie M. Brantley,	Daphne.
21.	Roy Mahathay,	Stapleton.
22.	Thomas J. Davidson, Sr.,	Bay Minette.
23.	George Holk,	Foley.
24.	Young A. Cox,	Stockton.
25.	Radford Mullins,	Bay Minette.
26.	Albert Martin,	Bay Minette.
27.	Wilson Beasley,	Bay Minette.
28.	Ludie E. Scarborough,	Bay Minette.
29.	J. Simpson Lowery,	Bay Minette.
30.	Maxwell D. Reed,	Bay Minette.
31.	Norman P. Durant,	Bay Minette.
32.	Virgil V. Rhodes, Jr.,	Bay Minette.
33.	Eugene Reed,	Bay Minette.
34.	Phillip M. Mason,	Bay Minette.
35.	W. Devan Stapleton,	Bay Minette.
36.	Shelby W. Langston,	Bay Minette.
37.	Louis R. White,	Bay Minette.
38.	Martin Timberlake,	Bay Minette.
39.	William S. Friel,	Bay Minette.

JURY LIST

BALDWIN COUNTY CIRCUIT COURT

JURY LIST

No.	Name	Residence
1.	Dan Camp,	Bay Minette. P1
2.	Fred McKenzie,	Magnolia Springs. P2
3.	Clarence Moore,	Fairhope. D1
4.	W. D. White,	Bay Minette. D12
5.	Ned Noonan,	Bay Minette. D1
6.	William A. Glover,	Daphne.
7.	Jack Matthews,	Bay Minette.
8.	Wm. P. Baldwin,	Robertsdale. P14
9.	Henry S. Skipper,	Loxley. P11
10.	Elmer V. Lovell,	Silverhill.
11.	C. C. Brown,	Josephine.
12.	J. A. Mothershead,	Lottie.
13.	Joseph Lynd,	Bay Minette
14.	Lawrence F. Boesch,	Bay Minette. D11
15.	John Broughton,	Bay Minette. P9
16.	Elwood G. Poos,	Robertsdale.
17.	Charles Wenzel,	Foley.
18.	George Heidelberg,	Silverhill.
19.	Coleman Armstrong,	Bay Minette. D21
20.	Jessie M. Brantley,	Daphne. P10
21.	Roy Mahathay,	Stapleton.
22.	Thomas J. Davidson, Sr.,	Bay Minette. P5
23.	George Holk,	Foley. P4
24.	Young A. Cox,	Stockton. D3
25.	Radford Mullins,	Bay Minette. D8
26.	Albert Martin,	Bay Minette.
27.	Wilson Beasley,	Bay Minette. D10
28.	Ludie E. Scarborough,	Bay Minette. P2
29.	J. Simpson Lowery,	Bay Minette. D4
30.	Maxwell D. Reed,	Bay Minette. P3
31.	Norman P. Durant,	Bay Minette. D9
32.	Virgil V. Rhodes, Jr.,	Bay Minette. D7
33.	Eugene Reed,	Bay Minette.
34.	Phillip M. Mason,	Bay Minette. P8
35.	W. Devan Stapleton,	Bay Minette. D3
36.	Shelby W. Langston,	Bay Minette. P6
37.	Louis R. White,	Bay Minette. P1
38.	Martin Timberlake,	Bay Minette. D6
39.	William S. Friel,	Bay Minette. P11

P. ++++++

Refused (abstract)
J.W. Hare
Judge

4. The court charges the jury that it is not enough that a driver be able to stop within the range of his vision or that he use diligence to stop after discerning an object. The rule makes no allowance for delay in action. He must, on peril of legal negligence, so drive that he can actually discover an object, perform the manual acts necessary to stop, and bring the car to a complete halt within such range, if necessary, to avoid collision with and injury to others on the highway. If blinded by the lights of another car, so that he cannot see the required distance ahead, he must, within such distance from the point of blinding, bring his car to such control that he can stop immediately, and, if he cannot then see, shall stop.

Refused
J.W. Hare

1. The court charges the jury that it was the duty of the defendant not to operate said automobile upon said highway at a greater rate of speed than was reasonable and proper at said time and place, and, if the jury should believe from the evidence that the plaintiff did operate his machine on such highway at said time and place at a speed greater than was reasonable and proper, and should further believe that his machine collided with that of plaintiff, then the law is for the plaintiff, and the jury should so find, unless the jury should further believe from the evidence that such rate of speed was not the proximate cause of the plaintiff's injuries.

7. The court charges the jury that actionable negligence consists in the neglect of the use of ordinary care and skill toward a person to whom the defendant owes the duty of observing ordinary care and skill, by which neglect plaintiff has suffered injury to his person.

20. The Court charges the jury that it is the duty of a person operating an automobile upon a public highway to drive the same with due care and circumspection, and at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic and safety of others, and he has no right to drive at such speed or in such manner as to endanger the life, limb, or property of a person.

3. The court charges the jury that the test of control is the ability to stop quickly and easily. When this result is not accomplished, the inference can readily be made that the car was running too fast or that proper effort to control it was not made.

8. The negligence of the driver of a vehicle in failing to comply with the law requiring lights is not of itself actionable, nor will such negligence preclude recovery for injuries sustained in an automobile accident, if it is not the proximate cause of the accident, otherwise if the failure to carry the required lights is the proximate cause of the injury.