

JOHN C. WILLIAMS,

Plaintiff,

versus

R. J. SKIPPER,

Defendant.

IN THE

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

ANSWERS BY THE DEFENDANT TO INTERROGATORIES PROPOUNDED BY
THE PLAINTIFF.

Now comes the Defendant in the above entitled cause and for answer to the Plaintiff's interrogatories states as follows:

1. R. J. Skipper, Chapman, Alabama.
2. During July, 1947, I owned a 1941 1-1/2 Ton Chevrolet truck. It had no trailer on it at the time of the accident which is the subject matter of this suit.
3. I have never operated my truck as a public carrier.
4. Yes.
5. Nothing to my knowledge; Phillip Johnson was driving the truck and his present address is 320 Washington Street, Biloxi, Mississippi. He was not in my employ and was not operating the truck at my direction.

R. J. Skipper
R. J. Skipper

STATE OF ALABAMA)
COUNTY OF MOBILE)

Personally appeared before me, the undersigned authority, R. J. SKIPPER, who upon oath, deposes and says that he is the Defendant in the above styled cause, that the foregoing answers to the Plaintiff's interrogatories are true and correct to his own knowledge except those matters which are stated to be made on information and belief and as to those matters he believes them to be true.

R. J. Skipper

Sworn to and subscribed before me
this 23 day of June, 1948.

Amie L. Chapman
Notary Public, Mobile County, Alabama.

ANSWERS TO INTERROGATORIES

JOHN C. WILLIAMS,

Plaintiff,

vs.

R. J. SKIPPER,

Defendant,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMAFiled this 27th day of July,
1948.
Clerk.

STATE OF ALABAMA)
COUNTY OF BALDWIN)

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALA:

TO ANY SHERIFF OF THE STATE OF ALABAMA: GREETINGS:

You are hereby commanded to summons R. J. Skipper to appear before the Circuit Court of Baldwin County, in and for said County, at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to demur or plead to the complaint of John C. Williams, and you are hereby commanded to execute this process instant and make return as required by law.

Witness my hand this the 9th day of April, 1948.

Ellice J. Leach Clerk

C O M P L A I N T

JOHN C. WILLIAMS,
Plaintiff

)

VS.

(

R. J. SKIPPER,
Defendant

Plaintiff claims of the defendant Seven Thousand and Five Hundred Hundred Dollars (\$7500.00) as damages for that he avers that on to-wit; the 17th day of July, 1947, the agent, servant or employee of the defendant, in charge or control of the operation of motor vehicle truck on the Montgomery and Mobile, Alabama, Highway about five miles outside of Bay Minette, Alabama, toward Atmore, Alabama, in Baldwin County, Alabama, while acting within the line and scope of his employment as such agent, servant or employee, so negligently operated said motor truck that by reason thereof and as a proximate result and consequence thereof, the plaintiff was caused to collide with said motor truck of defendant, and that by reason thereof and as a proximate result and consequence thereof, the plaintiff received sever personal injuries in this, to-wit; he was made sick, sore and lame; he was bruised and injured; he lost time from his work; his arm was lacerated, bruised and injured; he was permanently injured; he was forced to incur considerable expenses for medical treatment, hospital service, nurse hire and the purchase of medicines and drugs in and about the treatment of his said injuries; for all ow hich he claims damages aforesaid.

Plaintiff request a trial by jury:

J. M. Caswell
Attorney for Plaintiff:

Original

1173

JOHN C. WILLIAMS,
Plaintiff.

vs.

R. J. SKIPPER,
Defendant.

Executed the within

by serving a copy thereof on

S & C
R. J. Skipper

This *12* day of *April* 19*48*

J. E. Kent Sheriff

D. S.
County Court, Alabama

SUMMONS AND COMPLAINT

Filed
4-9-48
Alice French
clerk

JOHN M. COXWELL
ATTORNEY-AT-LAW
MONROEVILLE, ALA.

JOHN C. WILLIAMS,
Plaintiff.

vs.

R. J. SKIPPER,
Defendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALA:

Comes the Plaintiff in the above style cause and propounds to the Defendant the following interrogatories:

Interrogatory 1.

Please state your name and place of residence.

Interrogatory 2.

Did you own and operate a truck during July, 1947? If so, what kind of truck was it and did it have a trailer?

Interrogatory 3.

Were you operating your truck as a public carrier? If so, were you qualified with the Public Service Commission of the State?

Interrogatory 4.

Was it your truck that collided with an automobile operated by John C. Williams on or about the 17th day of July, 1947, on the Mobile and Montgomery Highway about five miles out of Bay Minette, Alabama, toward Atmore, Alabama, in Baldwin County, Alabama?

Interrogatory 5.

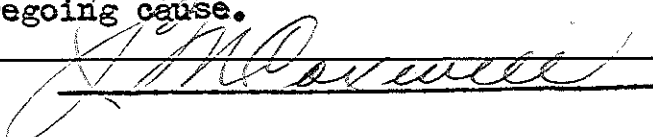
What was your truck hauling at the time of the collision? Who was in charge of the operation of the truck at the time of the collision? What was his name, and what is his present address? Was he in your employ at the time? Was the truck being operated at your directions at the time of the collision?

Let your answers be full and complete.


Attorney for Plaintiff

STATE OF ALABAMA)
COUNTY OF MONROE)

I, L. A. Hixon, Clerk of the Circuit Court of Monroe County, Alabama, hereby certify that J. M. Coxwell, who is known to me, appeared before me on this day and, upon being duly sworn deposes and says: That he is the attorney for and agent of the Plaintiff in the above styled cause, and as such is authorized to make this affidavit for and in behalf of said Plaintiff; that he has read the foregoing interrogatories propounded to the defendant by the plaintiff, and that the answers thereto, if correctly made, will be material testimony for the plaintiff at the time of the trial of said foregoing cause.



Sworn to and subscribed before me this the 6th day of April, 1948.

J. L. Kiser
Circuit Clerk, Monroe County, Ala.

RECORDED

JOHN C. WILLIAMS,
Plaintiff

vs.

R. J. SKIPPER,
Defendant.

Executed the within

by serving a copy thereof on

R. J. Skipper

This *12* day of *April* 19*48*

J. Kemp Sheriff

Butler County, Alabama

INTERROGATORIES TO BE
PROPOUNDED TO DEFENDANT

Filed
4-9-48
Alice J. Leach
clerk

JOHN M. COXWELL
ATTORNEY-AT-LAW
MONROEVILLE, ALA.

JOHN C. WILLIAMS,

Plaintiff,

vs.

R. J. SKIPPER,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1173.

Comes the Defendant in the above styled cause and shows unto the Court that Willie James Johnson, resides out of or is absent from the State of Alabama, his address being 3224 Gile Avenue, Chicago, Illinois, and that he is a material witness in this cause and that the Defendant hereby requests that a commission be issued by the Clerk of this Court to some person to take the deposition of said witness after due notice to the Plaintiff or his Attorney of record of the time and place to take such testimony. The Defendant respectfully suggests Harry A. R. Nelson, whose address is Room 3207 Field Building, 135 South La Salle Street, Chicago, Illinois, as a suitable person to be named as Commissioner to take the testimony of such witness in this cause.

INGE, TWITTY, ARMBRECHT & JACKSON,
CHASON & STONE

BY: 

Attorneys for Defendant.

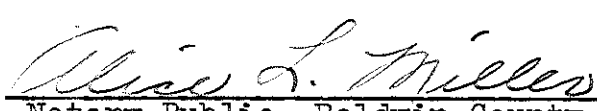
STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice L. Miller, 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:

That he is one of the Attorneys for the Defendant in the above styled cause; that he is informed and believes and upon such information and belief says that the allegations hereinabove set out are true and correct.

Sworn to and subscribed
before me, this 12th day
of June, 1950.


Notary Public, Baldwin County,
Alabama.

The Defendant requests that the following Interrogatories be propounded to Willie James Johnson, by the Commissioner appointed to take his testimony in this cause:

1. What is your name, age and address?
2. Were you riding in an automobile truck driven by Phillip Johnson on July 17, 1947, on U. S. Highway #31, at a point about five miles Northeast of Bay Minette, in Baldwin County, Alabama, at the time said truck was involved in a collision with an automobile driven by John C. Williams?
3. If you state that you were, was the truck in which you were riding proceeding Southwestwardly toward Bay Minette, and was the automobile driven by John C. Williams proceeding Northeastwardly away from Bay Minette?
4. Was it dark at the time of the collision?
5. Just immediately preceding the collision, and when you could see the lights of the approaching automobile, what speed was the truck traveling?
6. At the time of the collision was the truck in which you were riding traveling upgrade or downgrade and if you state that it was going upgrade, about how far were you from the peak of the hill?
7. When the automobile which was involved in the collision with the truck came over the hill was your truck completely on its right side of the center line of the road?
8. When the automobile came over the hill, as it approached the truck, was the automobile completely on its right side of the center line of the road?
9. As the vehicles approached each other, please state the approximate speed of the truck and automobile, if you know.
10. Did either driver dim the lights on his vehicle as it approached the other and if so, which did so?
11. Did the truck's lights project a glaring or dazzling light as it approached the automobile?
12. At the time of the collision, please state the position of the truck in regard to its right side of the road and relative to the edge of the black-top.

13. At the time of the collision were any of the wheels of the truck off the black-top and if you say they were, about how far was such wheel off such black-top?

14. At the time of the collision, please state the position of the automobile in regard to its right side of the road and in regard to the center line of the road.

15. Please state the position of the automobile as to whether its wheels were off on its right side of the road, and if so, what wheels, and whether its wheels were across the center of the road and if so, what wheels?

16. Please state what part of the automobile and what part of the truck collided first, and where each vehicle stood in regard to the center line of the road, at the time of the collision.

17. Was either vehicle overturned in the collision and if so, did it turn over on one side, a half turn or a complete turn?

18. If you state that either vehicle turned over, where did it come to rest when it stopped?

19. About how far did the automobile travel after the collision and where did it come to rest?

20. Were there any reflector lights or other lights on the body of the truck on the left front and left rear of such body and if so, state what kind of lights were on such body?

21. If you state that there were lights of any kind on the left front and left rear of the body of said truck, could a vehicle approaching such truck with its lights on have seen the lights on said truck a distance of 500 feet under normal conditions?

22. Did anyone move either of the vehicles before the highway patrolmen or other law enforcement agency reach the scene?

23. Did you get near the driver of the automobile after the collision?

24. Did you smell alcohol or any intoxicating liquor on the breath of the driver of the automobile immediately after the collision?

the following:

1. The driver of the automobile after

the accident should be taken to the nearest police station

for questioning.

2. The driver of the automobile after
being taken to the nearest police station should be

kept under normal conditions
and should not be subjected to any special treatment
or any other measures which might be considered as

unfair or unjust. The driver should be
treated as a normal person and should not be
subjected to any special treatment or any other

measures which might be considered as
unfair or unjust. The driver should be

treated as a normal person and should not be
subjected to any special treatment or any other

measures which might be considered as
unfair or unjust. The driver should be

treated as a normal person and should not be
subjected to any special treatment or any other

measures which might be considered as
unfair or unjust. The driver should be

treated as a normal person and should not be
subjected to any special treatment or any other

measures which might be considered as
unfair or unjust. The driver should be

treated as a normal person and should not be
subjected to any special treatment or any other

measures which might be considered as
unfair or unjust. The driver should be

treated as a normal person and should not be
subjected to any special treatment or any other

measures which might be considered as
unfair or unjust. The driver should be

25. Please state in your own words, what the driver of the truck and the driver of the automobile did after they were in plain view of each other to avoid the collision.

INGE, TWITTY, ARMBRECHT & JACKSON,
CHASON & STONE,

BY: *John Chason*
Attorneys for Defendant.

STATE OF ALABAMA

BALDWIN COUNTY

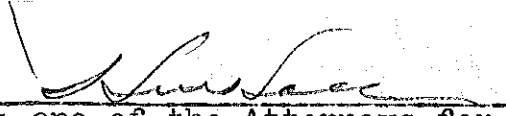
Before me, Alice L. Miller, Notary Public in and for said State and County, personally appeared John Chason, who is known to me and who after being by me first duly and legally sworn, deposes and says:

That he is one of the Attorneys for Defendant in the above styled cause and that if the answers to the foregoing Interrogatories are well and truly made, they will be material evidence for the Defendant on the trial of this cause.

Sworn to and subscribed
before me this 12th day
of June, 1950.

Alice L. Miller
Notary Public, Baldwin County,
Alabama.

I hereby accept service of a
copy of the within Inter-
rogatories and waive further
notice of the same.
6-12-50


As one of the Attorneys for
the Plaintiff.

INTERROGATORIES

JOHN C. WILLIAMS,
Plaintiff,
vs.
R. J. SKIPPER,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1173.

FILED
JUN 12 1950
ALICE J. DUCK, Clerk

LAW OFFICES
HYBART, CHASON & STONE
BAY MINETTE, ALABAMA

2435

JOHN C. WILLIAMS,

Plaintiff,

vs.

R. J. SKIPPER,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

Comes now the Defendant in the above styled cause and demurs to the Amended Complaint and to each count thereof separately and severally and assigns the following separate and several grounds:

1. Said Amended Complaint fails to state a cause of action.
2. It affirmatively appears from said Amended Complaint that there was no breach by the Defendant of a legal duty owing to the Plaintiff.
3. For aught that appears from the Amended Complaint there was no legal duty owing by the Defendant to the Plaintiff arising out of the matters and things complained of.
4. For aught that appears from the Amended Complaint the Defendant has not omitted any legal duty owing to the Plaintiff.
5. For aught that appears from the Amended Complaint the Plaintiff was not upon U. S. Highway No. 31 at the time and at the place complained of.
6. For aught that appears from the Amended Complaint the injuries complained of were not the proximate result and consequence of the alleged negligence of the Defendant.
7. It affirmatively appears from said Amended Complaint that the injuries complained of were not the proximate result and consequence of the alleged negligence of the Defendant.
8. Said Amended Complaint fails to allege that the injuries complained of were the proximate result and consequence of the alleged negligence of the Defendant.
9. Said Amended Complaint is vague, indefinite and uncertain.

10. For aught that appears from the Amended Complaint the agent, servant or employee of the Defendant was not acting within the line and scope of his employment at the time and place complained of.

11. Said Amended Complaint does not allege with sufficient certainty the time of the acts complained of.

12. The allegation that Defendant violated the provisions of Title 36, Section 40 of the 1940 Code of Alabama is but a conclusion of the pleader.

13. For aught that appears from the Amended Complaint the Defendant did not consent to the operation of the said vehicle by the alleged agent, servant or employee.

14. Because this Defendant owed the Plaintiff no duty not to lend his motor truck to the said Phillip Johnson.

15. It is not alleged that at the time the said Defendant consented or permitted the said Phillip Johnson to use said motor truck the said Defendant knew that the said Phillip Johnson was wholly incompetent and unfit to drive said motor truck.

16. It is not alleged that, at the time of the injuries complained of, the said Defendant knew that the said Phillip Johnson was incompetent and wholly unfit to drive said motor truck.

17. Because said Complaint alleges no facts showing that the Defendant owed any duty to the Plaintiff not to allow the said Phillip Johnson to operate said motor truck.

18. It affirmatively appears from said Complaint that the injuries of the Plaintiff was due to the negligence of the said Phillip Johnson and not to his incompetency.

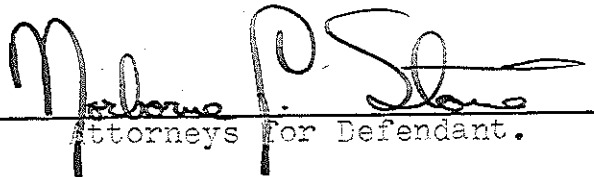
19. It is not alleged that any negligence on the part of the said Defendant proximately contributed to or caused the injuries complained of.

20. It is not alleged that at the time of said injuries that the said Phillip Johnson was then and there driving said motor truck with the knowledge and consent of said Defendant.

21. For aught that appears from the Complaint the injuries complained of were caused by the negligence of the said Phillip Johnson while operating said motor truck on the said highway.

HYBART, CHASON & STONE

BY:


Attorneys for Defendant.

RECORDED

JOHN C. WILLIAMS, -----

Plaintiff,

vs.

R. J. SKIPPER, -----

Defendant.

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

DEMURRER

Filed: 6-9-50.

*Jeffrey J. Maslow
Judge.*

*Filed 3-9-49
Henry H. Hensley
Clerk*

LAW OFFICES

HYBART, CHASON & STONE

BAY MINETTE, ALABAMA

JOHN C. WILLIAMS,

Plaintiff,

vs.

R. J. SKIPPER,

Defendant.

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

Comes the Defendant in the above styled cause and for plea to the Amended Complaint filed in said cause and each and every count thereof, separately and severally, says:

1. Not guilty.
2. That the Plaintiff, at the time and place complained of, was guilty of negligence which proximately contributed to his alleged injuries and damages.

Edgar W. Smith, Ambrose J. Johnson

Charles L. Jones
Attorneys for Defendant.

PLEA

JOHN C. WILLIAMS,
Plaintiff,

vs.

R. J. SKIPPER,
Respondent.

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

Filed June 12th, 1950.

W. J. H. H. H.
Clerk.

LAW OFFICES
HYBART, CHASON & STONE
BAY MINETTE, ALABAMA

JOHN C. WILLIAMS,	I	IN THE
Plaintiff,	I	CIRCUIT COURT OF
vs	I	BALDWIN COUNTY, ALABAMA.
R. J. SKIPPER,	I	
Defendant.	I	

Comes now the Defendant in the above styled cause and demurs to the complaint and as grounds therefor sets down separately and severally the following:

1. For aught that appears in said complaint there was no legal duty owing by this Defendant to the Plaintiff arising out of the matters and things complained of.
2. It affirmatively appears from said complaint that there was no legal duty owing by this Defendant to the Plaintiff arising out of the matters and things complained of.
3. For that the place where the alleged negligent act or acts are alleged to have occurred is vague, indefinite and uncertain.
4. For that it does not appear that said alleged negligence occurred in such manner and at such place capable of sustaining a cause of action under the jurisdiction of this court.
5. For aught that appears in said complaint, said alleged negligence did not occur on a public highway.
6. For that the highway on which the alleged negligence is alleged to have occurred is insufficiently described as a matter of law.
7. For that the Plaintiff is not alleged to have been on

a public highway at the time, place and happening of the
alleged negligence.

Hybart & Chason
Hybart & Chason

and

Armbrecht, Inge, Twitty & Jackson
Armbrecht, Inge, Twitty & Jackson
Attorneys for Defendant

RECORD
DEMURRER

JOHN C. WILLIAMS,
Plaintiff,

vs.

R. J. SKIPPER,
Defendant,

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

Filed May 6, 1948.

Alice J. Smith
Clerk.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

JOHN C. WILLIAMS,

Plaintiff

VS.

R. J. SKIPPER,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Comes the plaintiff in the foregoing cause and amends his complaint as follows:

COUNT ONE:

Plaintiff claims of defendant ^{Twenty}~~Seventy-Five~~ ^{Hundred}~~Hundred~~ Dollars as damages for that he avers that on to-wit, the 17th day of July, 1947, the agent, servant or employee of the defendant in charge or control of the operation of a motor vehicle truck on United States Highway No. 31, about five miles ^{North-} East of Bay Minette, in Baldwin County, Alabama, while acting within the line and scope of his employment as such agent, servant or employee, so negligently operated said truck that by reason thereof, and as approximate result and consequence thereof, the plaintiff was caused to collide with said ^{motor} truck of defendant, and by reason thereof, and as approximate result and consequence thereof, the plaintiff received severe personal injury in this, to-wit: He was made sick, sore and lame; he was bruised and injured; lost time from his work; his arm was lacerated, bruised and injured; he was permanently injured; he was forced to incur considerable expense for medical treatment, hospital services, nurse hire, and the purchase of medicine and drugs, in and about the treatment of said injuries, all of which he claims damages aforesaid.

COUNT TWO:

Plaintiff claims of defendant the sum of ~~Seventy~~^{Twelve} ~~Five Hundred~~^{Thousand} Dollars as damages for that heretofore on, to-wit, the 17th day of June, 1947, there was in force and effect in the State of Alabama, Rule of the Road, as set forth in Title 36, Section 40, of the 1940 Code of Alabama, requiring certain lighting equipment for vehicles in words and figures, as follows:

"Every vehicle upon a highway within this state during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred feet ahead, shall be equipped with lighted front and rear lamps as in this section respectively required for different classes of vehicles and subject to exemption with reference to lights on parked vehicles as declared in Section 46 of this title."

"Every motor vehicle, other than any road-roller, road machinery or farm tractors, having a width at any part in excess of eighty inches shall carry two clearance lamps on the left side of such vehicle, one located at the front and displaying a white light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a red light visible under like conditions from a distance of five hundred feet to the rear of the vehicle."

"Any person violating any of the provisions of this section shall be guilty of misdemeanor."

Plaintiff further avers that notwithstanding said rules, and in violation of said rule of the road, the defendant, with his knowledge and consent, allowed one Phillip Johnson to operate ^{defendant's} a motor truck, having a width in excess of eighty inches,

and without two clearance lamps on the left side of such vehicle, one located at the front displaying a white light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a red light visible under like conditions from a distance of five hundred feet to the rear of the vehicle during the period of from a half hour after sunset to a half hour before sunrise, on to-wit, the 17th day of July, 1947, about five miles ^{North} East of Bay Minette, Alabama, on United States Highway No. 31, in Baldwin County, Alabama, and as approximate result of said violation of said Rule of the Road, by the defendant, the plaintiff while driving along said highway, at said time and place, was caused to collide with said defendant's truck, and as approximate result of said collision, the plaintiff received severe personal injuries in this; to-wit: He lost time from his work; he was permanently injured; he was forced to incur considerable expense for medical treatment, hospital services, nurse hire, and the purchase of medicine and drugs, ⁱⁿ and about the treatment of said injuries, all of which he claims damages aforesaid.

COUNT THREE:

Plaintiff claims of the defendant the sum of ~~Seventy-Five Hundred~~ ^{Twelve Thousand} Dollars as damages for that heretofore on to-wit, the 17th day of July, 1947, there was in force and effect in the State of Alabama, a Rule of the Road, as set forth in Title 36, Section 42, of the 1940 Alabama Code.

"Requirements as to head lamps and auxiliary driving lamps. (a) The head lamps on motor vehicles shall be so constructed, arranged and adjusted that, they will at all times mentioned in Section 40 of this title and under normal atmospheric conditions and on a level road produce a driving light sufficient to

render clearly discernible a person two hundred feet ahead, but shall not project a glaring or dazzling light to persons in front of such head lamps.

(b) Head lamps shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling lights if none of the bright portion of the head lamp beams rises above a horizontal plane passing through the lamp centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches, seventy-five feet ahead of the vehicle.

(c) Any person violating any of the provisions of this section shall be guilty of misdemeanor."

Plaintiff further avers that notwithstanding said rule and in violation of said Rule of the Road, the defendant with his knowledge and consent, allowed one Phillip Johnson to operate ^{defendants} a motor truck on to-wit, the 17th day of July, 1947, about five miles ^{North} East of Bay Minette, Alabama, on United States Highway No. 31, Baldwin County, Alabama, during the period of a half hour after sunset and a half hour before sunrise, without proper head lamps, the said head lamps on defendant's motor truck projected a glaring or dazzling light to persons in front of such head lamps, and as approximate result of said violation of said Rule of the Road, the plaintiff while driving along said Highway, at said time and place, was caused to collide with said defendant's truck, and as approximate result of said collision, plaintiff received severe personal injury in this, to-wit: He was made sick, sore and lame; he was bruised and injured; lost time from his work; his arm was lacerated, bruised and injured; he was permanently injured; he was forced to incur considerable expense for medical treatment, hospital services, nurse hire, and the purchase of medicine and drugs, in and about

the treatment of said injuries, all of which he claims damages aforesaid.

COUNT FIVE:

Plaintiff claims of defendant the sum of ~~Seventy-Five Hundred~~ ^{Twelve Thousand} Dollars as damages for that on to-wit, the 17th day of July, 1947, defendant did loan or rent to one Phillip Johnson, his motor truck for use on the Highway of the State of Alabama; that on to-wit said day, and date aforesaid, the defendant loaned or rented his said motor truck to said Phillip Johnson, without clearance lamps on the left side of such motor vehicle, it being in excess of eighty inches in width, and with head lamps that produced or projected glaring or dazzling light to persons in front of such head lights, and thereafter during the period from a half hour after sunset to a half hour before sunrise, while said truck was being driven by said Phillip Johnson, about five miles ^{North} East of Bay Minette, Alabama, on United States Highway No. 31, in Baldwin County, Alabama, with said defective lights and lack of clearance lamps, caused the plaintiff to collide with said motor truck, at said time and place aforesaid.

Plaintiff avers that defendant negligently loaned or rented said truck to said Phillip Johnson knowing that said truck did not have proper lights, and that the truck's head lamps produced glaring or dazzling light to persons in front of such lamps, and as approximate consequence of said negligence of the defendant, in loaning or renting said truck in such a defective and dangerous condition, the plaintiff received severe personal injury, in this, to-wit: He was made sick, sore and lame; he was bruised and injured; he lost time from his work; his arm was lacerated, bruised and injured; he was permanently injured; he was forced to incur considerable expense for medical treatment, hospital services, nurse hire, and the purchase of medicine and drugs, in and about the treatment of

(6)

said injuries, all of which he claims damages aforesaid.

John M. Capree x
James

Solicitor for Plaintiff
Attorneys

1173
RECORDED

John C. Williams,
Plaintiff

^{vs.}
R. J. Skipper,
Defendant.

Amended Complaint

Filed

12-3-48

Wm. J. Luck
Clerk