

3872

COMPLAINT

Eli T. Flowers,  
Plaintiff  
  
Vs.  
  
Maurice Francis Welch,  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
  
AT LAW

Count One

Plaintiff claims of the defendant Five Thousand Three Hundred (\$5,400.00) Dollars as damages, for that heretofore, on, to-wit, the 4th day of October, 1958, the defendant Maurice Francis Welch, so negligently operated a motor vehicle Southwardly on Alabama Highway 59, at a point 2.7 miles South from the corporate limits of Foley, Baldwin County, Alabama, so as to cause or allow said vehicle to collide with a tractor which was being operated in a Southerly direction on said Highway by the Plaintiff where he had a right to be, and as a direct and proximate result of the negligence of the defendant Maurice Francis Welch, the plaintiff was seriously and permanently injured, was made sick and sore, was caused to suffer great physical pain and mental anguish; the plaintiff received cuts, concussions, abrasions, and contusions, in and about his head, neck, arms, and body and plaintiff received sprains of the sacro-iliac, left shoulder and neck. The sprain to the left shoulder of the plaintiff has caused and still causes at the time of the filing of this suit, a restriction in the use of his left arm and shoulder. Plaintiff has suffered and will continue to suffer for the rest of his life the loss of the full use of his left arm and shoulder due to the injury of his left arm and shoulder sustained in this accident, and plaintiff was caused to lose time in the cultivation of his farm, and plaintiff was caused to incur expenses of doctors, nurses, X-rays, ambulances, and drugs in and about the care and treatment of his said wounds as aforesaid, and will likely incur additional expenses of like nature in the future; and plaintiff's tractor was greatly damaged and rendered useless; for all of which he claims damages as aforesaid.

Count Two

Plaintiff claims of the defendant the further sum of Five Thousand Three Hundred (\$5,300.00) Dollars as damages, for that heretofore and on, to-wit, the 4th day of October, 1958, the defendant, Maurice Francis Welch, wantonly injured the Plaintiff by so wantonly operating a motor vehicle Southwardly on Alabama Highway 59, at a point 2.7 miles South from the corporate limits of Foley, Baldwin County, Alabama, so as to cause or allow said vehicle to collide with a tractor which was being operated in a Southerly direction on said highway by the plaintiff where he had a right to be, and as a direct and proximate result of the wantonness of the defendant Maurice Francis Welch, the plaintiff was permanently and seriously injured, was made sick and sore, was caused to suffer great physical pain and mental anguish, the plaintiff received cuts, concussions, abrasions, and contusions, in and about his head, neck, arms, and body, and plaintiff received sprains of the sacro-iliac, left shoulder and neck. The sprain to the left shoulder of the plaintiff has caused and still causes at the time of the filing of this suit, a restriction in the use of his left arm and shoulder. Plaintiff has suffered and will continue to suffer for the rest of his life, the loss of the full use of his left arm and shoulder due to the injury sustained in this accident, and plaintiff was caused to lose time in the cultivation of his farm, and plaintiff was caused to incur expenses of doctors, nurses, X-rays, ambulances, and drugs in and about the care and treatment of his said wounds as aforesaid, and will likely incur additional expenses of like nature in the future; and as plaintiff's tractor was greatly damaged and rendered useless; for all of which he claims damages as aforesaid.

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*James A. Brice*  
James A. Brice

*Richard C. Lacey*  
Richard C. Lacey

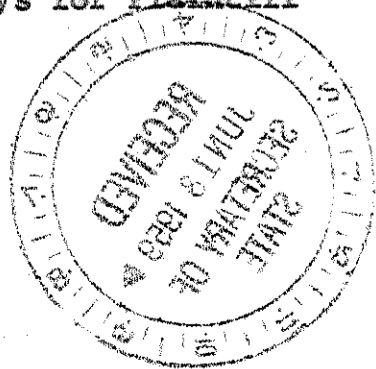
Attorneys for Plaintiff

Plaintiff demands trial by jury.

*James A. Brice*  
James A. Brice

*Richard C. Lacey*  
Richard C. Lacey

Attorneys for Plaintiff





\$5.00

FILED  
AUG 21 1959  
ALICE J. DUCK, CLERK  
REGISTER

ELI FLOWERS,	)	
	)	
Plaintiff,	)	IN THE
	)	
VS.	)	CIRCUIT COURT OF BALDWIN COUNTY,
	)	
MAURISE FRANCIS WELCH,	)	ALABAMA. AT LAW.
	)	
Defendant.	)	
	)	
	)	

ELI T. FLOWERS, THE PLAINTIFF, BEING FIRST DULY SWORN, TESTIFIED

Examination by Mr. Brice.

- Q. Is your name Eli T. Flowers?
- A It is.
- Q. Are you the Plaintiff in Law case No. 3872 pending in the Circuit Court of Baldwin County, Alabama?
- A. Yes sir.
- Q. Entitled Eli Flowers, Plaintiff, vs. Maurice Frances Welch?
- A. Yes sir.
- Q. Do you recall the 4th day of October of 1958, Mr. Flowers?
- A. I do.
- Q. Were you driving your tractor on highway 59 about 2.7 miles South of Foley?
- A. I was.
- Q. In which direction were you travelling?
- A. South.
- Q. About what time of the day was it?

- A. It was about 5:00 o'clock, if I remember right; it was broad open day-light.
- Q. Wasn't raining or cloudy?
- A. No.
- Q. Broad day-light?
- A. Yes sir.
- Q. Do you recall what happened when the automobile hit you?
- A. No, I didn't know a thing until I was on the highway laying there and I came to and I said: "What happened" and Maurice Welch said: "I hit you" and I said: "Well let me sit up" and he said, "No, you lay still, the ambulance is coming after you in a few minutes".
- Q. Did you hear his car approaching behind you?
- A. No I never heard anything; the tractor makes quite a little noise.
- Q. Where was the tractor?
- A. On the right side of the road, facing south.
- Q. You were on the right side of the road?
- A. No, I was up in the middle of the road; you see, when he hit me I went up and came down.
- Q. You were still in the road, but the tractor was in the ditch?
- A. Yes sir.
- Q. You were taken to Holmes' Hospital?
- A. Yes sir.
- Q. You were examined by Doctor Holmes?

A. Yes sir.

Q. Can you tell us what your injuries consisted of?

A. I had an injured neck. Doctor Holmes waited on me and he thought my neck was hurt pretty bad, and it was; I got to feeling quite a bit better. Of course, I am a fellow that always comes out of it pretty quick; in otherwords, I have a pretty strong constitution and so he let me out and I went back up there - I was making trips back to see him and the old lady Holmes said: "I want to give you some advice - the Doctor doesn't talk very much -- "She said, you keep bathing that neck in hot water and you will come out of it, but I neverdid get to where my neck was just like it was. My neck hurts yet when I turn it.

Q. Were you in a state of shock ---You really did not -- You really don't remember everying that happened?

A. No, I couldn't recall everything right at that time, because I was just as near killed as I ever was in my life.

Q. Did you suffer a nrain concussion from this?

A. Yes, that was the worst hurt I ever was --

Q. Your neck is still stiff?

A. Yes sir.

Q. You have difficulty turning your head?

A. Yes sir, I can turn it, but it hurts.

Q. In addition you had damages to your tractor?

A. It tore it up.

- Q. What was the value of that tractor?
- A. I don't know what the value would be; if I had had to buy a new one it would have cost \$3,000.00.
- Q. Have you had it repaired?
- A. I have and ma using the tractor now.
- Q. Now Mr. Flowers, there are pictures here of the tractor. Who took these pictures?
- A. My neice.
- Q. Who is that?
- A. June Flowers.
- Q. She took the pictures of the tractor?
- A. That's right.
- Q. Do you remember when she took them?
- A. You mean what part of the year?
- Q. How soon after the accident?
- A. That happened in October and the pictures were made in December.
- Q. The tractor was still in the same position?
- A. They drug it off the road.
- Q. But it was at the scene of the accident?
- A. Yes sir.
- MR. BRICE: We introduce these pictures in evidence - five pictures of the tractor.
- Q. Where did it happen?
- A. 2.7 miles from Foley.
- Q. You lost the use of the tractor?

Q. Did you have to hire somebody to do the work your tractor would have done?

A. Yes sir.

Q. You were not in shape to perform any work?

A. No sir, there was about a month I didn't do anything. I wanted to get away from the hospital - that's what I wanted to do - I like Holmes and liked his set-up, but some how or the other I thought I was in jail.

MR. BRICE: We want to introduce the photostatic copy of the Highway Patrolman's report in evidence.

C E R T I F I C A T E:

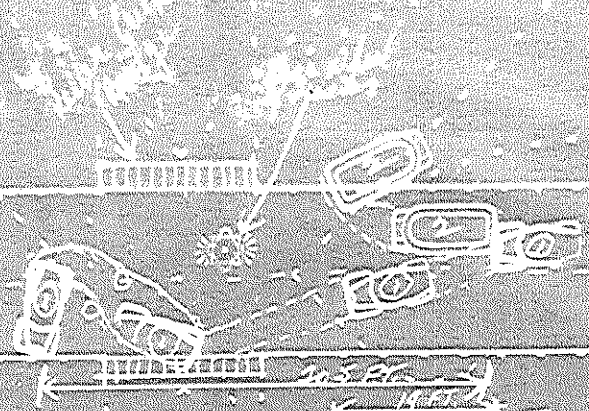
I hereby certify that the foregoing, consisting of pages 1 to 5 both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in open Court in the above styled cause, on this the 20th day of August, 1959.

*Louise A. [Signature]*

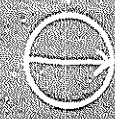


INDICATE ON THIS DIAGRAM WHAT HAPPENED

DRAW HEAVY LINES TO SHOW  
MAIN ROADS, SIDE ROADS, DRIVEWAYS, ETC.



INDICATE  
MOTION  
BY ARROW



POINT OF IMPACT (Check one for each vehicle involved)		CONDITION OF DRIVER OR PEDESTRIAN (Check one for each)		Explain condition
Vehicle 1	Vehicle 2	Vehicle 1	Vehicle 2	
<input type="checkbox"/> 1 Front	<input type="checkbox"/> 1 Left side	<input type="checkbox"/> 1 Had not been drinking	<input type="checkbox"/> 1 Not been drinking	
<input type="checkbox"/> 2 Right front	<input type="checkbox"/> 2 Rear	<input type="checkbox"/> 2 Had been drinking	<input type="checkbox"/> 2 Obviously drunk	
<input type="checkbox"/> 3 Left front	<input type="checkbox"/> 3 Right rear	<input type="checkbox"/> 3 Ability impaired	<input type="checkbox"/> 3 Ability impaired	
<input type="checkbox"/> 4 Right side	<input type="checkbox"/> 4 Left rear	<input type="checkbox"/> 4 Ability not impaired	<input type="checkbox"/> 4 Not known whether impaired	
<input type="checkbox"/> 5 Front	<input type="checkbox"/> 5 Left rear	<input type="checkbox"/> 5 Not known whether drinking	<input type="checkbox"/> 5 Not known whether drinking	
<input type="checkbox"/> 6 Right side	<input type="checkbox"/> 6 Left rear			

TRAFFIC CONTROL	WEATHER CONDITION	LIGHT CONDITION	VEHICLE DEFECTS	VISION OBSCURED—HIGHWAY	VISION OBSCURED—VEHICLE
<input type="checkbox"/> 1 R. R. crossing gates	<input type="checkbox"/> 1 Clear	<input type="checkbox"/> 1 Daylight	<input type="checkbox"/> 1 Defective brakes	<input type="checkbox"/> 1 Trees, crops, etc.	<input type="checkbox"/> 1 Rear view, etc. on wheelchair
<input type="checkbox"/> 2 R. R. automatic signal	<input type="checkbox"/> 2 Cloudy	<input type="checkbox"/> 2 Dusk	<input type="checkbox"/> 2 Steering mechanism	<input type="checkbox"/> 2 Building	<input type="checkbox"/> 2 Windshield otherwise obscured
<input type="checkbox"/> 3 Officer or watchman	<input type="checkbox"/> 3 Raining	<input type="checkbox"/> 3 Dawn	<input type="checkbox"/> 3 Lighting equipment	<input type="checkbox"/> 3 Embankment	<input type="checkbox"/> 3 Vision obscured by load on vehicle
<input type="checkbox"/> 4 Stop and go light	<input type="checkbox"/> 4 Snowing	<input type="checkbox"/> 4 Darkness—Street or highway lighted	<input type="checkbox"/> 4 Tire	<input type="checkbox"/> 4 Signboard	
<input type="checkbox"/> 5 Stop sign or signal	<input type="checkbox"/> 5 Fog	<input type="checkbox"/> 5 Darkness—Street or highway not lighted	<input type="checkbox"/> 5 Other defect	<input type="checkbox"/> 5 Parked cars	
<input type="checkbox"/> 6 Warning sign or signal	<input type="checkbox"/> 6 (Specify other)		<input type="checkbox"/> 6 No defects (Explain fully in remarks)	<input type="checkbox"/> 6 Moving cars	
<input type="checkbox"/> 7 Other (Specify)				<input type="checkbox"/> 7 Hillcrest	

KIND OF LOCALITY	ROADWAY CHARACTER	ROAD SURFACE	ROAD CONDITIONS	ROAD WIDTH AND LANES AT PLACE OF ACCIDENT
<input type="checkbox"/> 1 Manufacturing and industrial district	<input type="checkbox"/> 1 Straight road	<input type="checkbox"/> 1 Concrete	<input type="checkbox"/> 1 Dry	1. What was roadway width (the width of pavement or road surface for vehicular traffic)? <u>20</u> ft
<input type="checkbox"/> 2 Shopping and business district	<input type="checkbox"/> 2 Sharp curve or turn	<input type="checkbox"/> 2 Slip-chert	<input type="checkbox"/> 2 Wet	2. Total number of traffic lanes <u>2</u> Were lanes marked <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> 3 Residential district	<input type="checkbox"/> 3 Other curves	<input type="checkbox"/> 3 Asphalt	<input type="checkbox"/> 3 Muddy	3. Were opposing traffic lanes separated? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> 4 School and playground district	<input type="checkbox"/> 4 Down grade	<input type="checkbox"/> 4 Gravel	<input type="checkbox"/> 4 Snowy	4. If so, by what? Describe
<input type="checkbox"/> 5 Open country	<input type="checkbox"/> 5 Level road	<input type="checkbox"/> 5 Wood block	<input type="checkbox"/> 5 Ice	
<input type="checkbox"/> 6 (Specify other)	<input type="checkbox"/> 6 Up grade	<input type="checkbox"/> 6 Dirt, oiled	<input type="checkbox"/> 5 No defects (Explain fully in remarks)	
	<input type="checkbox"/> 7 Hillcrest	<input type="checkbox"/> 7 Dirt, oiled	Was road under construction or repair? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> 8 Down grade	<input type="checkbox"/> 8 Sand, oiled		
		<input type="checkbox"/> 9 Sand, oiled		
		<input type="checkbox"/> 10 (Specify other)		

DESCRIBE WHAT HAPPENED  
refer to vehicles by number.  
If third vehicle was involved, so indicate, but give rate or location, etc. Also use this space for additional witnesses or injured persons and explanation of questions not fully answered by checking in boxes provided.  
If more space is needed, use another sheet of plain paper of the same size.

Veh. No. 1 was traveling at a high rate of speed and had blow out on left front wheel. Driver 1 had control and remained # 2 in rear.

Vehicle No. 1 removed to Clayton Chev. Foley.  
Vehicle No. 2 removed to \_\_\_\_\_

Show Arrests and Charges	<u>Maurice Francis Welch</u> Name	<u>Reckless Driving</u> Charge	<u>Walter W. W. 145</u> Investigator(s) and Badge No.
Name	_____	Charge	
Date of Accident	<u>10-6-1958</u> Date	Investigation made at scene of Accident	Is investigation complete? <u>Yes</u>
Time of Accident	<u>5-10</u> Hour	<u>10-6-58</u> Date	Date of Report <u>10-7-58</u>
Where else was investigation made	<u>Holmes Hospital</u>		

CENTRAL RECORDS

OCT 20 1958

Code (✓) Mil. (✓)

65003

**LOCATION OF ACCIDENT**

CITY: \_\_\_\_\_ County: \_\_\_\_\_

RURAL: \_\_\_\_\_

ACCIDENT OCCURRED ON: Ala. 59

At intersection with \_\_\_\_\_

OR \_\_\_\_\_

Not at \_\_\_\_\_

Intersector: \_\_\_\_\_

TIME OF ACCIDENT

Day of the week: Saturday

Date: Oct. 4, 1958

Hour: \_\_\_\_\_ A.M. 5:00 P.M.

Standard \_\_\_\_\_ Daylight saving \_\_\_\_\_

ACCIDENT INVOLVED:  Pedestrian  Other motor vehicle  R.R. train  Street car  Animal-drawn vehicle  Bicycle  Fixed object

Animal (killed, mangled, maddened)  Overturned in roadway  Ran off roadway  Other non-collision (fall from veh., fire, etc.)  Other (explain in Remarks)

**VEHICLE NO. 1**

1955 Chevrolet Sedan L.C.C. Permit No. \_\_\_\_\_

Year and Make: \_\_\_\_\_ Type: \_\_\_\_\_

Direction: South On Ala. 59

North, E., W., etc. \_\_\_\_\_ Street name, highway No., alley, driveway, etc. \_\_\_\_\_

Driver: Maurice Francis Welch Barth Rd. Foley, Ala. Color: White

Day: 11 Month: 2 Year: 35 Sex: M Driving experience: 8 Driver's license: VA, TP-56713

Birth Date: \_\_\_\_\_ Years: \_\_\_\_\_ State: \_\_\_\_\_ Number: \_\_\_\_\_

Classified as:  Chauffeur's Operator  Operator

Describe type, such as regular, junior, etc. \_\_\_\_\_

Occupation: U.S. Navy

Named by: Driver Address: Same

Speed before accident: 80 mph. Speed at moment of accident: 70 mph. Distance vehicle traveled after impact: 205 feet. Lawful speed: 60 mph. Maximum safe speed under conditions prevailing: 60 mph.

**VEHICLE NO. 2**

Case Farm tractor L.C.C. Permit No. \_\_\_\_\_

Year and Make: \_\_\_\_\_ Type: \_\_\_\_\_

Direction: South On Ala. 59

North, E., W., etc. \_\_\_\_\_ Street name, highway No., alley, driveway, etc. \_\_\_\_\_

Driver: Eli T. Flowers Rt. 3 Foley Ala. Color: White

Day: 19 Month: 11 Year: 38 Sex: M Driving experience: 2 Driver's license: Unk

Birth Date: \_\_\_\_\_ Years: \_\_\_\_\_ State: \_\_\_\_\_ Number: \_\_\_\_\_

Classified as:  Chauffeur's Operator  Operator

Describe type, such as regular, junior, etc. \_\_\_\_\_

Occupation: Farmer

Named by: Same Address: Same

Speed before accident: 10 mph. Speed at moment of accident: 10 mph. Distance vehicle traveled after impact: 19 feet. Lawful speed: 60 mph. Maximum safe speed under conditions prevailing: 60 mph.

Name of injured: \_\_\_\_\_

Name of property owner: \_\_\_\_\_

Name of witness: \_\_\_\_\_

Name of witness: \_\_\_\_\_

Name: Eli T. Flowers Age: 69 Sex: M Color: N Address: Rt. 3 Foley, Ala.

Nature of injuries: Back & Neck Was person killed? No  Driver Veh. No. 2  Pedestrian  Other

Taken to: Holmes, Foley, Ala. By whom: Ambulance

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Color: \_\_\_\_\_ Address: \_\_\_\_\_

Nature of injuries: \_\_\_\_\_ Was person killed?  Driver Veh. No. \_\_\_\_\_  Pedestrian  Other

Taken to: \_\_\_\_\_ By whom: \_\_\_\_\_

Name: G. E. Ayra Address: Rt. 5 Foley, Ala. Where was witness? Near Scene

Name: P. A. Ayra Address: Meridian Miss. Where was witness? Near Scene

ACTS OF PEDESTRIAN	MOVEMENT OF VEHICLES	VIOLATIONS INDICATED
1 Crossing at intersection—with signal. 2 Same—against signal. 3 Same—no signal. 4 Same—diagonally. 5 Crossing not at intersection. 6 Coming from behind parked cars. 7 Walking in roadway (check two) a With traffic. b Against traffic. c Sidewalks available. d Sidewalks not available. 8 Standing in safety zone. 9 Getting on or off street car. 10 Getting on or off other vehicle. 11 Working in roadway. 12 Playing in roadway. 13 Hitching on vehicle. 14 Not in roadway.	Vehicle 1 2 3 1 Making right turn. 2 Making left turn. 3 Making "U" turn. 4 Going straight ahead. 5 Slowing or stopping. 6 Starting from traffic lane. 7 Starting from parked position. 8 Stopped in traffic lane. 9 Parked. 10 Backing. (Check applicable item) 1 Overtaking. 2 Avoiding vehicle, object or pedestrian. 3 Sliding.	1 Exceeding lawful speed. 2 Did not have right of way. 3 On wrong side of road. 4 Drove through safety zone. 5 Passing standing street car. 6 Passing on hill. 7 Passing on curve. 8 Cutting in. 9 Failing to signal or improper signal. 10 Improper turn—wide right turn. 11 Same—cut corner on left turn. 12 Same—burned from wrong lane. 13 Disregarded traffic control. (See Traffic Control Schedule) 14 Improper starting from parked position. 15 Other improper driving (explain). 16 No improper driving indicated.

COMPLAINT

Eli T. Flowers,  
Plaintiff

Vs.

Maurice Francis Welch,  
Defendant

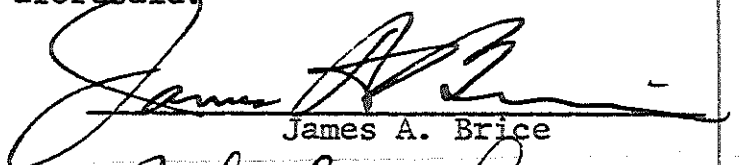
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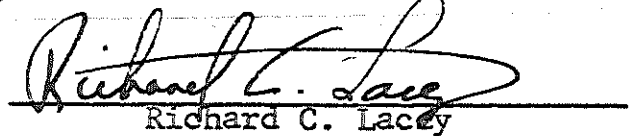
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Count Two

Plaintiff claims of the defendant the further sum of Five Thousand Three Hundred (\$5,300.00) Dollars as damages, for that heretofore and on, to-wit, the 4th day of October, 1958, the defendant, Maurice Francis Welch, wantonly injured the Plaintiff by so wantonly operating a motor vehicle Southwardly on Alabama Highway 59, at a point 2.7 miles South from the corporate limits of Foley, Baldwin County, Alabama, so as to cause or allow said vehicle to collide with a tractor which was being operated in a Southerly direction on said highway by the plaintiff where he had a right to be, and as a direct and proximate result of the wantonness of the defendant Maurice Francis Welch, the plaintiff was permanently and seriously injured, was made sick and sore, was caused to suffer great physical pain and mental anguish, the plaintiff received cuts, concussions, abrasions, and contusions, in and about his head, neck, arms, and body, and plaintiff received sprains of the sacro-iliac, left shoulder and neck. The sprain to the left shoulder of the plaintiff has caused and still causes at the time of the filing of this suit, a restriction in the use of his left arm and shoulder. Plaintiff has suffered and will continue to suffer for the rest of his life, the loss of the full use of his left arm and shoulder due to the injury sustained in this accident, and plaintiff was caused to lose time in the cultivation of his farm, and plaintiff was caused to incur expenses of doctors, nurses, X-rays, ambulances, and drugs in and about the care and treatment of his said wounds as aforesaid, and will likely incur additional expenses of like nature in the future; and as plaintiff's tractor was greatly damaged and rendered useless; for all of which he claims damages as aforesaid.

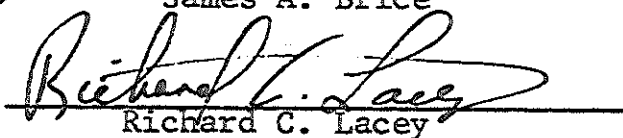
  
James A. Brice

  
Richard C. Lacey

Attorneys for Plaintiff

Plaintiff demands trial by jury.

  
James A. Brice

  
Richard C. Lacey

Attorneys for Plaintiff

FILED

June 17 1959

ALICE I. DICK CLERK REGISTER

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,  
Baldwin County.

Circuit Court, Baldwin County

No. ....

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Maurice Frances Welch

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against .....

Maurice Frances Welch ....., Defendant .....

by Eli T. Flowers .....

....., Plaintiff .....

Witness my hand this 17th day of June 19 59.

Alice J. Welch ....., Clerk

No. 3872

Page \_\_\_\_\_

The State of Alabama  
Baldwin County

CIRCUIT COURT

ELI T. FLOWERS

Plaintiffs

vs.

MAURICE FRANCES WELCH

Defendants

Summons and Complaint

Filed 6-17-59 19\_\_\_\_

Clerk

*Defendants address:*

*Maurice Frances Welch,  
AM 2 46314 04,  
Barracks 801  
Sawley Field,  
Pensacola, Fla*

Plaintiff's Attorney

Defendant's Attorney

965

RECEIVED IN OFFICE

Defendant lives at  
JUN 16 1959

M. S. BUTLER, Sheriff

Received In Office

*6/17* 19 *59*

, Sheriff

I have executed this summons

this \_\_\_\_\_ 19\_\_\_\_

by leaving a copy with

3

Executed by serving 3 copies of  
the within on *Betty Frank*  
Secretary of State of The State of  
Alabama.

This the 18 day of June 1959

Sheriff of Montgomery County

M. S. Butler,

By *[Signature]* D. S.

The Sheriff claims 2  
miles at 10c per mile for a total

of \$ 20

M. S. Butler, Sheriff  
Montgomery County, Ala. Sheriff

Deputy Sheriff

JAMES A. BRICE  
ATTORNEY AT LAW  
FOLEY, ALABAMA

POST OFFICE BOX 298

June 15, 1959

WHITEHALL 3-3601

Mrs. Alice J. Duck  
Circuit Clerk  
Bay Minette, Alabama

Dear Mrs. Duck:

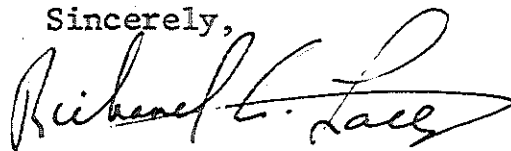
I am enclosing Summons and Complaint in five copies on behalf of Eli T. Flowers against Maurice Francis Welch, The defendant is a non-resident operator of a motor vehicle and service must be obtained through Secretary of State. Defendants' last known address is as follows:

Maurice Francis Welch, AM2 46314 04,  
Barracks 801,  
Saufley Field,  
Pensacola, Florida.

I enclose check for \$3.00 to cover Secretary of States' fee.

Thank you.

Sincerely,



Richard C. Lacey

RCL:jcp

Enclosures (as noted)

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

Handwritten signature/initials

... ..

... ..

... ..

... ..

... ..

... ..



COMPLAINT

Eli T. Flowers,  
Plaintiff

Vs.

Maurice Francis Welch,  
Defendant

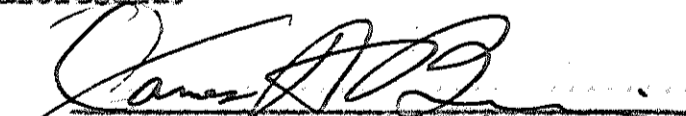
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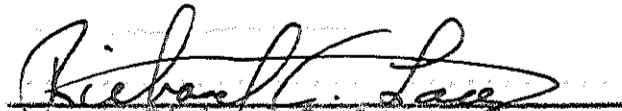
Count One

Plaintiff claims of the defendant Five Thousand Three Hundred (\$5,400.00) Dollars as damages, for that heretofore, on, to-wit, the 4th day of October, 1958, the defendant Maurice Francis Welch, so negligently operated a motor vehicle Southwardly on Alabama Highway 59, at a point 2.7 miles South from the corporate limits of Foley, Baldwin County, Alabama, so as to cause or allow said vehicle to collide with a tractor which was being operated in a Southerly direction on said Highway by the Plaintiff where he had a right to be, and as a direct and proximate result of the negligence of the defendant Maurice Francis Welch, the plaintiff was seriously and permanently injured, was made sick and sore, was caused to suffer great physical pain and mental anguish; the plaintiff received cuts, concussions, abrasions, and contusions, in and about his head, neck, arms, and body and plaintiff received sprains of the sacro-iliac, left shoulder and neck. The sprain to the left shoulder of the plaintiff has caused and still causes at the time of the filing of this suit, a restriction in the use of his left arm and shoulder. Plaintiff has suffered and will continue to suffer for the rest of his life the loss of the full use of his left arm and shoulder due to the injury of his left arm and shoulder sustained in this accident, and plaintiff was caused to lose time in the cultivation of his farm, and plaintiff was caused to incur expenses of doctors, nurses, X-rays, ambulances, and drugs in and about the care and treatment of his said wounds as aforesaid, and will likely incur additional expenses of like nature in the future; and plaintiff's tractor was greatly damaged and rendered useless; for all of which he claims damages as aforesaid.

Count Two


Plaintiff claims of the defendant the further sum of Five Thousand Three Hundred (\$5,300.00) Dollars as damages, for that heretofore and on, to-wit, the 4th day of October, 1958, the defendant, Maurice Francis Welch, wantonly injured the Plaintiff by so wantonly operating a motor vehicle Southwardly on Alabama Highway 59, at a point 2.7 miles South from the corporate limits of Foley, Baldwin County, Alabama, so as to cause or allow said vehicle to collide with a tractor which was being operated in a Southerly direction on said highway by the plaintiff where he had a right to be, and as a direct and proximate result of the wantonness of the defendant Maurice Francis Welch, the plaintiff was permanently and seriously injured, was made sick and sore, was caused to suffer great physical pain and mental anguish, the plaintiff received cuts, concussions, abrasions, and contusions, in and about his head, neck, arms, and body, and plaintiff received sprains of the sacro-iliac, left shoulder and neck. The sprain to the left shoulder of the plaintiff has caused and still causes at the time of the filing of this suit, a restriction in the use of his left arm and shoulder. Plaintiff has suffered and will continue to suffer for the rest of his life, the loss of the full use of his left arm and shoulder due to the injury sustained in this accident, and plaintiff was caused to lose time in the cultivation of his farm, and plaintiff was caused to incur expenses of doctors, nurses, X-rays, ambulances, and drugs in and about the care and treatment of his said wounds as aforesaid, and will likely incur additional expenses of like nature in the future; and as plaintiff's tractor was greatly damaged and rendered useless; for all of which he claims damages as aforesaid.

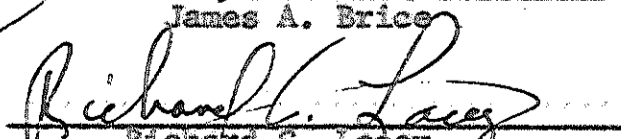
  
James A. Brice

  
Richard C. Lacey

Attorneys for Plaintiff

Plaintiff demands trial by jury.

  
James A. Brice

  
Richard C. Lacey

Attorneys for Plaintiff

June 25, 1959

ELI T. FLOWERS, Plaintiff  
VS  
MAURICE FRANCIS WELCH, Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY,  
ALABAMA AT LAW

CASE NO. 3872

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW:

I, Bettye Frink, Secretary of State, hereby certify that on June 18, 1959  
I sent by registered mail in an envelope addressed as follows:

" Maurice Francis Welch  
AM 2 46314 04  
Barracks 801  
Saufley Field  
Pensacold, Fla."

"Registered Mail—  
Return Receipt Requested  
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

" Maurice Francis Welch  
AM 2 46314 04  
Barracks 801  
Saufley Field  
Pensacold, Fla."

You will take notice that on June 18, 1959 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: ELI T. FLOWERS, Plaintiff VS MAURICE FRANCIS WELCH, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW  
Case No. 3872 a true copy of which summons and complaint is attached hereto  
and the said service upon me as Secretary of State of the State of Alabama has the force and  
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 18  
day of June 1959

Enclosure (1)

(Signed) Bettye Frink  
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed  
as above set forth had attached to it a true copy of the summons and complaint in the above-styled  
cause.

I further certify that on June 24, 1959 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at Pensacola, Fla. Saufley Field Br.  
on 6/23/59

WITNESS MY HAND and the Great Seal of the State of Alabama this the 25 day  
of June 1959

*Bettye Frink*

Bettye Frink  
Secretary of State

Enclosures: Return Receipt Card and copy  
of Summons and Complaint.  
cc: Honorable James A. Brice  
Attorney at Law  
Foley, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,  
Baldwin County.



Circuit Court, Baldwin County

No. ....

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon Maurice Frances Welch

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against.....

Maurice Frances Welch....., Defendant.....

by Eli T. Flowers.....

....., Plaintiff.....

Witness my hand this 17th day of June 19 59

[Signature]....., Clerk