

SUMMONS AND COMPLAINT

STATE OF ALABAMA

BALDWIN COUNTY

:
:
:

CIRCUIT COURT OF BALDWIN
COUNTY, AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS:

You are hereby commanded to summons I. A. Beall, guardian of Joseph Franks, a Non Compos Mentis, to appear at the next term of the Circuit Court to be held for said County, at the place of holding the same, then and there to answer the complaint of J. B. Haynes.

Witness my hand this 1st day of Nov, 1950.

Reese J. French
CLERK

C O M P L A I N T

J. B. HAYNES,

PLAINTIFF.

VS:

I. A. BEALL, GUARDIAN OF
JOSEPH FRANKS, A NON COMPOS
MENTIS,

DEFENDANT.

COUNT ONE: The plaintiff claims of the defendant the sum of \$7,000.00 as damages for that heretofore, on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and that then and there the agent, servant or employee of the defendant, while acting within the line and scope of his employment, negligently ran another automobile into, upon or against the plaintiff's said automobile truck, and thereby and as the proximate result and consequence thereof, the plaintiff's said automobile truck was demolished or greatly damaged or rendered less valuable, and the plaintiff received severe personal injuries in this, to-wit, one of his ribs was fractured; his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, strained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

COUNT TWO: The plaintiff claims of the defendant \$7,000.00 as damages for that heretofore on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully

being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the agent, servant, or employee of the defendant, while acting within the line and scope of his employment, being conscious at the time that his conduct in so doing would probably result in injury to the plaintiff's said automobile truck and the occupant thereof, wilfully or wantonly ran another automobile into, upon or against the plaintiff's said automobile truck, and thereby and as the proximate result and consequence thereof the plaintiff's said automobile truck was demolished or greatly damaged or rendered less valuable, and the plaintiff received severe personal injuries in this, to-wit, one of his ribs was fractured; his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, strained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

COUNT THREE: The plaintiff claims of the defendant \$2,000.00 as damages for that heretofore, on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the defendant's servant, agent, or employee, while acting within the line and scope of his authority, negligently ran an automobile into, upon or against plaintiff's automobile truck, as a proximate consequence whereof, plaintiff's automobile truck was damaged and demolished, all to his great damage as aforesaid; hence this suit.

COUNT FOUR: The plaintiff claims of the defendant \$5,000.00 as damages for that heretofore on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the agent, servant or employee of the defendant, while acting within the line and scope of his employment, negligently ran another automobile into, upon or against the plaintiff's said automobile truck, and thereby and as the proximate result and consequence thereof the plaintiff received

severe personal injuries in this, to-wit, one of his ribs was fractured; his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, strained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

COUNT FIVE: The plaintiff claims of the defendant \$2,000.00 as damages for that heretofore on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the defendant's servant, agent or employee, while acting within the line and scope of his authority, wilfully or wantonly injured the plaintiff's automobile truck by running an automobile into, upon or against plaintiff's automobile truck, as a proximate consequence whereof, plaintiff's automobile truck was damaged and demolished, all to his great damage as aforesaid; hence this suit.

COUNT SIX: The plaintiff claims of the defendant \$5,000.00 as damages for that heretofore on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the defendant's servant, agent or employee while acting within the line and scope of his employment, being conscious at the time that his conduct in so doing would probably result in disaster, wilfully or wantonly ran another automobile into, upon or against the plaintiff's said automobile truck and thereby and as a proximate result and consequence thereof, the plaintiff received severe personal injuries in this, to-wit, one of his ribs was fractured, his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, strained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered perma-

nently less able to work, for all of which he claims damages as aforesaid.

The plaintiff further avers that the defendant, I. A. Beall, guardian of Joseph Franks, A Non Compos Mentis, is and was on the date of said collision, to-wit, June 2, 1950, a non-resident of the State of Alabama, and that his present post office address is I. A. Beall, guardian of Joseph Franks, c/o Security National Bank, Enid, Oklahoma, and the plaintiff prays that service of process upon the defendant, I. A. Beall, guardian of Joseph Franks, a Non Compos Mentis, may be had in accordance with the provisions of Code of 1940, Title 7, Section 199.

Hugh Rozelle
ATTORNEY FOR PLAINTIFF

The plaintiff demands a trial by jury of the issue in this cause

Hugh Rozelle
ATTORNEY FOR PLAINTIFF

RECEIVED IN OFFICE

NOV 3 - 1950

G. A. MOSELEY, Sheriff

Perkins

RETURNED BY REGISTERING

Copy of the within

Shirley Pearl
Shirley's State
Shirley Pearl

NOTED AND CO. 11-3-50

in the 11-3 50

G.A. Moseley

G.A. Moseley
Shirley Pearl

IN THE CIRCUIT COURT OF

Barth
JANUARY, COUNTY, ALABAMA.

LAN SIDE. NO. 1576.

J. B. FAIRBANKS, PLAINTIFF

VS:

I. A. BELL, JOINTIN OF
JOSEPH FRANKS, A NON SOLUS
INMITS.

DEFENDANT.

DEMONS AND COMPLAINT

FILED 11-1-50

Wesley

JOHN OZELLIS
ATTORNEY AT LAW
MOBILE, ALABAMA

J. B. Haynes, Plaintiff

vs

I. A. Beall, Guardian of Joseph Franks,
A Non Compos Mentis, Defendant

) IN THE CIRCUIT COURT OF
:
:
) BALDWIN COUNTY, ALABAMA
:
:
) AT LAW NO. 1576
:
:
)

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Sibyl Pool, Secretary of State, hereby certify that on November 3, 1950 I sent by registered mail in an envelope addressed as follows:

"I. A. Beall,
Guardian of Joseph Franks,
c/o Security National Bank
Enid, Oklahoma"

"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:

"I. A. Beall,
Guardian of Joseph Franks
c/o Security National Bank
Enid, Oklahoma

You will take notice that on November 3, 1950 the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint in a case entitled J.B. Haynes, Plaintiff vs I. A. Beall, Guardian of Joseph Franks, A Non Compos Mentis, Defendant in the Circuit Court of Baldwin County, Alabama Case No. 1576, 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 3rd day of November 1950.

Signed) Sibyl Pool
Sibyl Pool
Secretary of State "

Enclosures - 1

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, there being mailed in the envelope at the time shown the notice with copy of summons and complaint attached thereto.

I further certify that on the 8th day of November 1950 I received a return card, showing the receipt by the designated addressee of the said notice with attached summons and complaint aforesaid, which receipt I attach hereto.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 8th day of November 1950.



Sibyl Pool
Sibyl Pool
Secretary of State

Enclosures - 2

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF ALABAMA, SOUTHERN DIVISION.

J. B. HAYNES, PLAINTIFF)

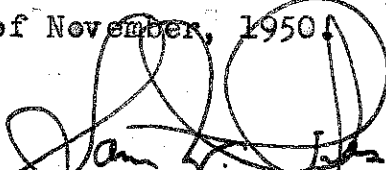
VS.)

I. A. BEALL, GUARDIAN OF JOSEPH)
FRANKS, NON COMPOS MENTIS,)
DEFENDANT.)

TO THE HONORABLE ALICE J.
DUCK, CLERK OF THE CIRCUIT
COURT OF BALDWIN COUNTY,
ALABAMA.

Please take notice that the undersigned, as attorney for the defendant in the above entitled cause, has this day filed a petition and bond in the United States District Court for the Southern District of Alabama, Southern Division, petitioning that Court to remove from the Circuit Court of Baldwin County, Alabama to the United States District Court for the Southern District of Alabama, Southern Division, that certain cause wherein J. B. Haynes is plaintiff and I. A. Beall, Guardian of Joseph Franks, non compos mentis, is the defendant, and that the petition and bond constitutes a removal of said cause of action from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division.

Dated this 22nd day of November, 1950.



Attorneys for the Defendant, I. A.
Beall, Guardian of Joseph Franks,
Non Compos Mentis.

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 [Signature]
(Signature of name of addressee)

2 [Signature]
(Signature of addressee's agent - Agent should enter addressee's name on the back of this card)

Date of delivery SEP 11, 1940

Post Office Department
OFFICIAL BUSINESS



PERMIT FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE (GPO)



Secretary of State

Return to

Street and Number,
or Post Office Box

MONTGOMERY, Alabama

REGISTERED ARTICLE

No.
INSURED PARCEL

No.

MONTGOMERY,
ALABAMA.

NOV 8 1930
SECRETARY OF STATE

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF ALABAMA, SOUTHERN DIVISION.

1576

J. B. HAYNES, PLAINTIFF

VS.

I. A. BEALL, GUARDIAN OF JOSEPH
FRANKS, NON COMPOS MENTIS,
DEFENDANT.

TO THE HONORABLE ALICE J.
DUCK, CLERK OF THE CIRCUIT
COURT OF BALDWIN COUNTY,
ALABAMA.

Please take notice that the undersigned, as attorney for the defendant in the above entitled cause, has this day filed a petition and bond in the United States District Court for the Southern District of Alabama, Southern Division, petitioning that Court to remove from the Circuit Court of Baldwin County, Alabama to the United States District Court for the Southern District of Alabama, Southern Division, that certain cause wherein J. B. Haynes is plaintiff and I. A. Beall, Guardian of Joseph Franks, non compos mentis, is the defendant, and that the petition and bond constitutes a removal of said cause of action from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division.

Dated this 22nd day of November, 1950.

Attorneys for the Defendant, I. A.
Beall, Guardian of Joseph Franks,
Non Compos Mentis.

NOV 27 1950
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION.

J. B. HAYNES, PLAINTIFF)

VS.)

I. A. BEALL, GUARDIAN OF JOSEPH)
FRANKS, NON COMPOS MENTIS,)
DEFENDANT.)

ORDER.

This cause coming on to be heard upon the petition of the defendant I. A. Beall, guardian of Joseph Franks, non compos mentis, to remove a certain cause pending against said defendant in the Circuit Court of Baldwin County, Alabama, wherein J. B. Haynes is the plaintiff and the Court having proceeded to examine the petition and bond;

And it appearing to the Court that the petition sets forth facts showing that said cause is properly removable to this Court;

And it further appearing that a bond of good and sufficient sureties has been filed; that copy of all pleadings in said action are attached to the petition for removal and that due and proper written notice of the petition for removal has been served upon the plaintiff's attorney and upon the Clerk of the Court wherein said action is pending;

The Court is of the opinion that the defendant is entitled to have the said cause removed to this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED By the Court that that certain cause entitled J. B. Haynes v. I. A. Beall, Guardian of Joseph Franks, non compos mentis, be and hereby is removed from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division; and that said cause be placed upon the docket of this Court.

Done this the _____ day of November, 1950.

District Judge.

FILED
NOV 29 1950
U.S. DIST. CT.
SOUTHERN DIST. OF ALA.

STATE OF ALABAMA

COUNTY OF MOBILE

KNOW ALL MEN BY THESE PRESENTS, that I. A. Beall, as guardian of the estate of Joseph Franks, non compos mentis, of the City of Enid, State of Oklahoma, as principal and the United States Fidelity & Guaranty Company, a corporation of Baltimore, Maryland, as surety, are held and firmly bound unto J. B. Haynes in the penal sum of Five Hundred and no/100 (\$500.00.) Dollars, payment whereof well and truly to be made unto the said J. B. Haynes, his heirs and assigns we bind ourselves, our successors, assigns and representatives jointly and severally firmly by these presents, yet upon these conditions the said I. A. Beall, guardian of Joseph Franks, non compos mentis is a petitioner in the United States District Court for the Southern District of Alabama, Southern Division, for the removal of a certain cause pending in the Circuit Court of Baldwin County, Alabama, wherein J. B. Haynes is the plaintiff and I. A. Beall, guardian of Joseph Franks, non compos mentis, is the defendant;

NOW if the said I. A. Beall, guardian of Joseph Franks, non compos mentis, will pay all costs and disbursements incurred by reason of the removal of said cause should it be determined that the case was not removable or was improperly removed, then this obligation to be void, otherwise in full force and effect.

IN WITNESS WHEREOF, I. A. Beall, guardian of Joseph Franks, non compos mentis, has caused this bond to be signed by Sam W. Pipes, III, his duly appointed and acting attorney-in-fact, this the _____ day of November, 1950, and the United States Fidelity & Guaranty Company has caused this bond to be signed by _____, its duly appointed and acting attorney in fact this the _____ day of November, 1950.

I. A. BEALL, GUARDIAN OF JOSEPH FRANKS, NON COMPOS MENTIS.

By: _____
Attorney-in-fact.

UNITED STATES FIDELITY & GUARANTY COMPANY, A CORPORATION.

By: _____
Attorney-in-fact.

MOBILE COUNTY
CLERK OF COURT
J. B. HAYNES
PLAINTIFF
I. A. BEALL
DEFENDANT
NOV 1 1950

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION.

J. B. HAYNES, PLAINTIFF

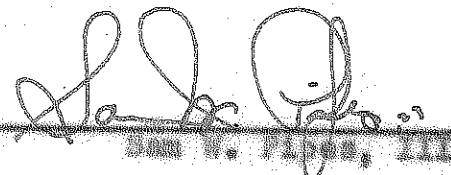
VS.

I. A. BEALL, GUARDIAN OF JOSEPH)
FRANKS, NON COMPOS MENTIS,
DEFENDANT.

CERTIFICATE.

I, Sam W. Pipes, III, one of the attorneys for the defendant in the above entitled cause, do hereby certify that I have this 22nd day of November, 1950, served a copy of the petition and bond for removal of the above entitled cause from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division, upon Hugh A. Rozelle, the attorney of record for the plaintiff, by mailing a copy of said petition and bond, postage prepaid, registered mail, return receipt requested, to the said Hugh A. Rozelle, at Mobile, Alabama;

And I do further certify that I have this 22nd day of November, 1950, served a copy of the petition and bond with the Clerk of the Circuit Court of Baldwin County, Alabama, by mailing a copy of said petition and bond to the Clerk of said Court postage prepaid, registered mail, return receipt requested, to the Clerk of the Circuit Court of Baldwin County, Alabama, at Bay Minette, Alabama.


Sam W. Pipes, III

FILED
NOV 22 1950
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
MOBILE

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION.

J. B. HAYNES, PLAINTIFF)
VS.)
I. A. BEALL, GUARDIAN OF JOSEPH)
FRANKS, NON COMPOS MENTIS,)
DEFENDANT.)

Comes now I. A. Beall, Guardian of Joseph Franks, a non compos mentis, defendant in the above entitled cause, and presents this petition for removal of said action from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division, and shows and represents unto the Court as follows:

That the above entitled suit was begun against this defendant in the Circuit Court of Baldwin County in the State of Alabama on the 1st day of November, 1950; that at the time said suit was begun, and at the present time, the defendant was, and still is, a resident citizen of the City of Enid, State of Oklahoma;

That the plaintiff in said suit was and still is a citizen and resident of the State of Missouri; that said suit is wholly between citizens of different states; that the matter in dispute in said suit, and for which said suit is brought, exceeds the sum of Three Thousand and no/100 (\$3,000.00) Dollars, excluding all interest and costs;

That said suit claims damages arising from negligent operation of an automobile; and the defendant herewith files a bond with good and sufficient surety conditioned that the defendant will pay all costs and disbursements incurred by reason of the removal proceedings, should it be determined that this cause of action was not removable or was improperly removed;

That the petitioner has not yet appeared or pleaded in said action; that service was had upon your petitioner in said suit by service upon the Secretary of State of the State of Alabama on November 3rd, 1950; less than twenty (20) days before the filing of this petition; that your petitioner received a copy

of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, by registered mail from the secretary of state of the State of Alabama, on the 6th day of November, 1950; that a copy of all process, pleadings and orders that have been served upon the defendant in the above entitled cause are attached to this petition;

That the defendant will promptly after the filing of this petition and bond, give written notice thereof to the plaintiff; and will file a copy of said petition with the Clerk of the Court of Baldwin County, Alabama;

WHEREFORE the petitioner prays this Honorable Court that this petition and bond may be accepted and approved and that said suit be removed to the United States District Court for the Southern District of Alabama, Southern Division, and that the Circuit Court of Baldwin County, Alabama proceed no further in the premises.

I, A. BEALL, as Guardian of
JOSEPH FRANKS, NON COMPOS MENTIS

By: Sam W. Pipes, III
Attorney-in-Fact.

STATE OF ALABAMA


COUNTY OF MOBILE


Personally appeared before me, the undersigned authority, Sam W. Pipes, III, who being by me first duly sworn, deposes and says that he is the duly appointed attorney-in-fact for I. A. Beall, as Guardian of Joseph Franks, non compos mentis, to remove that certain suit wherein the defendant is said I. A. Beall, as Guardian for Joseph Franks non compos mentis, from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division; that he has read the above and foregoing petition and that the facts stated therein are true.

Sam W. Pipes, III

Subscribed and sworn to before me this the 22nd day of November, 1950.

Elaine E. Grady
NOTARY PUBLIC, MOBILE COUNTY, ALA.


Attorney for petitioner (Defendant)
517 Int Natl. Bank Bldg., Mobile, Ala.


OF COUNSEL, 517 First National
Bank Bldg., Mobile, Ala.

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE.

MONTGOMERY 4, ALA.

November 3, 1950.

REGISTERED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

I. A. Beall,
Guardian of Joseph Franks,
c/o Security National Bank
Enid, Oklahoma

You will take notice that on November 3, 1950, the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint in a case entitled J. B. Haynes, Plaintiff vs I. A. Beall, Guardian of Joseph Franks, A Non Compos Mentis, Defendant in the Circuit Court of Baldwin County, Alabama, Case No. 1576, 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 3rd day of November, 1950.

/s/ Sibyl Pool
Sibyl Pool
Secretary of State

Enclosures - 1

(Great Seal of the State of Alabama.)

EXHIBIT "A"

SUMMONS AND COMPLAINT :
STATE OF ALABAMA :
BALDWIN COUNTY :

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.
AT LAW.

TO ANY SHERIFF OF THE STATE OF ALABAMA * GREETINGS:

You are hereby commanded to summons I. A. Beall,
guardian of Joseph Franks, a Non Compos Mentis, to appear at the
next term of the Circuit Court to be held for said County, at the
place of holding the same, then and there to answer the complaint
of J. B. Haynes.

Witness my hand this 1st day of November, 1950.

/s/ Alice J. Duck, Clerk.

C O M P L A I N T

J. B. HAYNES,
PLAINTIFF

VS.

I. A. BEALL, GUARDIAN OF
JOSEPH FRANKS, A NON COMPOS
MENTIS, DEFENDANT.

COUNT ONE: The plaintiff claims of the defendant the sum of
\$7,000.00 as damages for that heretofore, on, to-wit, June 2, 1950,
plaintiff's automobile truck was lawfully being driven along U. S.
Highway number 90, a public highway, in the County of Baldwin, State
of Alabama, to-wit, about one quarter of a mile east of a blinker
light and about one half mile from the intersection of U. S. Highway
number 90 with U. S. Highway number 31, and that then and there the
agent, servant or employee of the defendant, while acting within the
line and scope of his employment, negligently ran another automobile
into, upon or against the plaintiff's said automobile truck, and thereby
and as the proximate result and consequence thereof, the plaintiff's
said automobile truck was demolished or greatly damaged or rendered less
valuable, and the plaintiff received severe personal injuries in this,
to-wit, one of his ribs was fractured; his right shoulder, right elbow,
back and other parts of his body were bruised, contused, sprained, strai-
ned and injured. He was made sick, sore, and lame; he was internally in-
jured; he was permanently injured; he was caused to expend considerable
sums for medical treatment, hospital care, nursing and medicines in and
about the treatment of his injuries; his clothing and personal effects
were damaged and injured; he lost much time from his work; he was
rendered permanently less able to work, for all of which he claims
damages as aforesaid.

COUNT TWO: The plaintiff claims of the defendant \$7,000.00 as dama-
ges for the plaintiff's automobile

truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway #90 with U. S. Highway #31, and then and there the agent, servant, or employee of the defendant, while acting within the line and scope of his employment, being conscious at the time that his conduct in so doing would probably result in injury to the plaintiff's said automobile truck and the occupant thereof, wilfully or wantonly ran another automobile into, upon or against the plaintiff's said automobile truck, and thereby and as the proximate result and consequence thereof the plaintiff's said automobile truck was demolished or greatly damaged or rendered less valuable, and the plaintiff received severe personal injuries in this, to-wit, one of his ribs was fractured; his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, strained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

COUNT THREE: The plaintiff claims of the defendant \$2,000.00 as damages for that heretofore, on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully being driven along U. S. Highway #90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway #90 with U. S. Highway #31, and then and there the defendant's servant, agent or employee, while acting within the line and scope of his authority, negligently ran an automobile into, upon or against plaintiff's automobile truck, as a proximate consequence whereof, plaintiff's automobile truck was damaged and demolished, all to his great damage as aforesaid; hence this suit.

COUNT FOUR: The plaintiff claims of the defendant \$5,000.00 as damages for that heretofore on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully being driven along U. S. Highway #90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway #90 with U. S. Highway 31, and then and there the agent, servant or employee of the defendant, while acting

within the line and scope of his employment, negligently ran another automobile into, upon or against the plaintiff's said automobile truck, and thereby and as the proximate result and consequence thereof the plaintiff received severe personal injuries in this, to-wit, one of his ribs was fractured; his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, strained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

COUNT FIVE: The plaintiff claims of the defendant \$2,000.00 as damages for that heretofore on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin,, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway #90 with U. S. Highway #31, and then and there the defendant's servant, agent or employee, while acting within the line and scope of his authority, wilfully or wantonly injured the plaintiff's automobile truck by running an automobile into, upon or against plaintiff's automobile truck, as a proximate consequence whereof, plaintiff's automobile truck was damaged and demolished, all to his great damage as aforesaid; hence this suit.

COUNT SIX: The plaintiff claims of the defendant \$5,000.00. as damages for that heretofore on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully being driven along U. S. Highway #90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway #90 with U. S. Highway #31, and then and there the defendant's servant, agent or employee while acting within the line and scope of his employment, being conscious at the time that his conduct in so doing would probably result in disaster, wilfully or wantonly ran another automobile into, upon or against the plaintiff's said automobile truck and thereby and as a proximate result and consequence thereof, the plaintiff received severe personal injuries in this, to-wit, one of his ribs was fractured, his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, strained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to

expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

The plaintiff further avers that the defendant I. A. Beall, guardian of Joseph Franks, a Non Compos Mentis, is and was on the date of said collision, to-wit, June 2, 1950, a non-resident of the State of Alabama, and that his present post office address is I. A. Beall, guardian of Joseph Franks, c/o Security National Bank, Enid, Oklahoma, and the plaintiff prays that service of process upon the defendant, I. A. Beall, guardian of Joseph Franks, a Non Compos Mentis, may be had in accordance with the provisions of Code of 1940, Title 7, Section 199.

/s/ Hugh Rozelle

ATTORNEY FOR PLAINTIFF

The plaintiff demands a trial by jury of the issue in this cause.

/s/ Hugh Rozelle

ATTORNEY FOR PLAINTIFF.

FILED
NOV 25 1950
U.S. DIST. CT.
OKLAHOMA

SUMMONS AND COMPLAINT

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT OF
BALDWIN COUNTY.
AT LAW.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS:

You are hereby commanded to summons I. A. Beall, guardian of Joseph Franks, a Non Compos Mentis, to appear at the next term of the Circuit Court to be held for said County, at the place of holding the same, then and there to answer the complaint of J. B. Haynes.

Witness my hand this 1st day of Nov, 1950.

RECEIVED

NOV 3 1950

SECRETARY OF
STATE

CLERK

COMPLAINT

J. B. HAYNES,

PLAINTIFF.

VS:

I. A. BEALL, GUARDIAN OF
JOSEPH FRANKS, A NON COMPOS
MENTIS,
DEFENDANT.

COUNT ONE: The plaintiff claims of the defendant the sum of \$7,000.00 as damages for that heretofore, on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and that then and there the agent, servant or employee of the defendant, while acting within the line and scope of his employment, negligently ran another automobile into, upon or against the plaintiff's said automobile truck, and thereby and as the proximate result and consequence thereof, the plaintiff's said automobile truck was demolished or greatly damaged or rendered less valuable, and the plaintiff received severe personal injuries in this, to-wit, one of his ribs was fractured; his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, strained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

COUNT TWO: The plaintiff claims of the defendant \$7,000.00 as damages for that heretofore on, to-wit, June 2, 1950, plaintiff's automobile truck was lawfully

being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the agent, servant, or employee of the defendant, while acting within the line and scope of his employment, being conscious at the time that his conduct in so doing would probably result in injury to the plaintiff's said automobile truck and the occupant thereof, wilfully or wantonly ran another automobile into, upon or against the plaintiff's said automobile truck, and thereby and as the proximate result and consequence thereof the plaintiff's said automobile truck was demolished or greatly damaged or rendered less valuable, and the plaintiff received severe personal injuries in this, to-wit, one of his ribs was fractured; his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, strained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; his clothing and personal effects were damaged and injured; he lost much time from his work; he was rendered permanently less able to work, for all of which he claims damages as aforesaid.

COUNT THREE: The plaintiff claims of the defendant \$2,000.00 as damages for that heretofore, on, to-wit, June 8, 1930, plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the defendant's servant, agent, or employee, while acting within the line and scope of his authority, negligently ran an automobile into, upon or against plaintiff's automobile truck, as a proximate consequence whereof, plaintiff's automobile truck was damaged and demolished, all to his great damage as aforesaid; hence this suit.

COUNT FOUR: The plaintiff claims of the defendant \$5,000.00 as damages for that heretofore on, to-wit, June 8, 1930, plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the agent, servant or employee of the defendant, while acting within the line and scope of his employment, negligently ran another automobile into, upon or against the plaintiff's said automobile truck, and thereby and as the proximate result and consequence thereof the plaintiff received

were damaged and injured; he lost much time from his work; he was rendered permanently unable to work; for all of which he claims damages as aforesaid.

that heretofore on, to-wit, June 2, 1930, Plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the defendant's servant, agent or employee, while acting within the line and scope of his authority, wilfully or wantonly injured the Plaintiff's automobile truck by running an automobile into, upon or against Plaintiff's automobile truck, as a proximate consequence whereof, Plaintiff's automobile truck was damaged and demolished, all to his great damage as aforesaid; hence this suit.

the Plaintiff claims of the defendant \$5,000.00 as damages for that heretofore on, to-wit, June 2, 1930, Plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the defendant's servant, agent or employee while acting within the line and scope of his employment, being con-

action at the time that his conduct in so doing would probably result in disaster, wilfully or wantonly ran another automobile into, upon or against the Plaintiff's said automobile truck and thereby and as a proximate result and consequence thereof, the Plaintiff received severe personal injuries in this, to-wit, one of his ribs was fractured, his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medical- others in and about the treatment of his injuries; his clothing and personal effects were damaged and were damaged and injured; he lost much time from his work; he was rendered permanently unable to work; for all of which he claims damages as aforesaid.

the Plaintiff claims of the defendant \$5,000.00 as damages for that heretofore on, to-wit, June 2, 1930, Plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the defendant's servant, agent or employee, while acting within the line and scope of his authority, wilfully or wantonly injured the Plaintiff's automobile truck by running an automobile into, upon or against Plaintiff's automobile truck, as a proximate consequence whereof, Plaintiff's automobile truck was damaged and demolished, all to his great damage as aforesaid; hence this suit.

the Plaintiff claims of the defendant \$5,000.00 as damages for that heretofore on, to-wit, June 2, 1930, Plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the defendant's servant, agent or employee while acting within the line and scope of his employment, being con-

action at the time that his conduct in so doing would probably result in disaster, wilfully or wantonly ran another automobile into, upon or against the Plaintiff's said automobile truck and thereby and as a proximate result and consequence thereof, the Plaintiff received severe personal injuries in this, to-wit, one of his ribs was fractured, his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medical- others in and about the treatment of his injuries; his clothing and personal effects were damaged and were damaged and injured; he lost much time from his work; he was rendered permanently unable to work; for all of which he claims damages as aforesaid.


the Plaintiff claims of the defendant \$5,000.00 as damages for that heretofore on, to-wit, June 2, 1930, Plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the defendant's servant, agent or employee while acting within the line and scope of his authority, wilfully or wantonly injured the Plaintiff's automobile truck by running an automobile into, upon or against Plaintiff's automobile truck, as a proximate consequence whereof, Plaintiff's automobile truck was damaged and demolished, all to his great damage as aforesaid; hence this suit.

the Plaintiff claims of the defendant \$5,000.00 as damages for that heretofore on, to-wit, June 2, 1930, Plaintiff's automobile truck was lawfully being driven along U. S. Highway number 90, a public highway, in the County of Baldwin, State of Alabama, to-wit, about one quarter of a mile east of a blinker light and about one half mile from the intersection of U. S. Highway number 90 with U. S. Highway number 31, and then and there the defendant's servant, agent or employee while acting within the line and scope of his employment, being con-

action at the time that his conduct in so doing would probably result in disaster, wilfully or wantonly ran another automobile into, upon or against the Plaintiff's said automobile truck and thereby and as a proximate result and consequence thereof, the Plaintiff received severe personal injuries in this, to-wit, one of his ribs was fractured, his right shoulder, right elbow, back and other parts of his body were bruised, contused, sprained, and injured. He was made sick, sore, and lame; he was internally injured; he was permanently injured; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medical- others in and about the treatment of his injuries; his clothing and personal effects were damaged and were damaged and injured; he lost much time from his work; he was rendered permanently unable to work; for all of which he claims damages as aforesaid.

nently less able to work, for all of which he claims damages as aforesaid.

The plaintiff further avers that the defendant, I. A. Seall, guardian of Joseph Franks, A Non Compos Mentis, is and was on the date of said collision, to-wit, June 2, 1930, a non-resident of the State of Alabama, and that his present post office address is I. A. Seall, guardian of Joseph Franks, c/o Security National Bank, Enid, Oklahoma, and the plaintiff prays that service of process upon the defendant, I. A. Seall, guardian of Joseph Franks, a Non Compos Mentis, may be had in accordance with the provisions of Code of 1940, Title 7, Section 199.



ATTORNEY FOR PLAINTIFF

The plaintiff demands a trial by jury of the issue in this cause



ATTORNEY FOR PLAINTIFF

IN THE CIRCUIT COURT OF
HSCAMILLA COUNTY, ALABAMA.

LAW SUIT, NO. 1576.

J. B. HAYNES,

PLAINTIFF

VS.

I. A. BEATT, GUARDIAN OF
JOSEPH BEATT, A NON COMPOS
MINUTE,

DEFENDANT.

SUMMONS AND COMPLAINT.

FILED

11-18-37

W. J. Rozell
Clerk

HUGH ROZELL
ATTORNEY AT LAW
ANNOTHE, ALABAMA