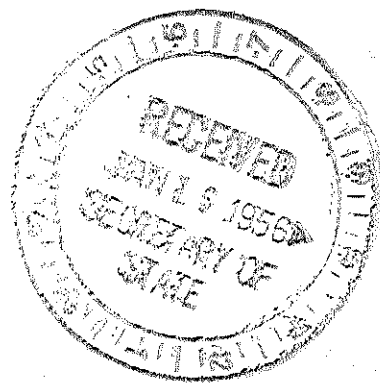


STATE OF ALABAMA
BALDWIN COUNTY



TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon MALCOLM L. GAFFORD and FLOYD R. SMITH, to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of VADA LEE SMITH, Administrator of the estate of Archie E. Smith, Deceased.

Witness my hand this 5 day of January, 1956.

Archie E. Smith
Clerk

VADA LEE SMITH, Administrator
of the Estate of Archie E.
Smith, deceased,

PLAINTIFF

VS

MALCOLM L. GAFFORD AND
FLOYD R. SMITH

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

1.

The Plaintiff, Vada Lee Smith, as Administrator of the Estate of Archie E. Smith, deceased, claims of the Defendants the sum of ONE THOUSAND (\$1000.00) DOLLARS, as damages for that heretofore, on, to-wit, October 11, 1955, Archie E. Smith's motor vehicle was being operated along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where it had a right to be, to-wit, at a point approximately three miles East of Robertsedale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90 in Baldwin County, Alabama; that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant, or employee who was then and there acting within the line and scope of his employment as such, so negligently operated his motor vehicle as to cause it to run into or against the vehicle of Archie E. Smith, and as a proximate result of said negligence, the vehicle of Archie E. Smith was damaged to such an extent that it was rendered valueless, all to the loss of the Plaintiff in the aforesaid amount.

2.

The Plaintiff claims of the Defendants the sum of ONE THOUSAND (\$1000.00) DOLLARS as damages for that heretofore on, to-wit, October 11, 1955, Archie

E. Smith's motor vehicle was being operated along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where it had a right to be, to-wit, at a point approximately three miles East of Roberts-dale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama; that at said time and place the Defendant Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant, or employee who was then and there acting within the line and scope of his employment, did wantonly run the motor vehicle he was driving into the motor vehicle of Archie E. Smith and as a direct proximate consequence and result of said wanton act, the motor vehicle of Archie E. Smith was wantonly damaged to such an extent that it was rendered valueless, all to the loss of the Plaintiff in the aforesaid amount.

3.

The Plaintiff claims of the Defendants the sum of FIVE THOUSAND (\$5000.00) DOLLARS as damages for that heretofore, on, to-wit, October 11, 1955, the said Archie E. Smith was riding as a passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles East of Roberts-dale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama; that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant or employee, who was then and there acting within the line and scope of his employment as such, so negligently operated his motor vehicle as to cause it to run into or against the motor vehicle in which Archie E. Smith was riding as a passenger and as a proximate result of said negligence, the said Archie E. Smith was negligently injured as follows: his lungs were bruised and injured; a rib broken, he received a concussion of the brain; he was knocked out; he was bruised about the head and body; he was caused to suffer much mental and physical anguish and pain; he was caused to expend monies for drugs, doctors and hospitalization; he was caused to lose time from his work; all to the loss and damage of the Plaintiff in the aforesaid amount.

4.

The Plaintiff claims of the Defendants the sum of FIVE THOUSAND (\$5000.00) DOLLARS, as damages for that heretofore on, to-wit, October 11, 1955, the said Archie E. Smith was riding as a passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles east of Robertsedale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama; that at said time and place the defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford his agent, servant, or employee, who was then and there acting within the line and scope of his employment as such, did wantonly run the motor vehicle he was driving into the motor vehicle Archie E. Smith was riding as a passenger, and as a direct proximate consequence and result of said wanton act the said Archie E. Smith was wantonly injured as follows: his lungs were bruised and injured; a rib was broken; he received a concussion of the brain; he was knocked out; he was bruised about the head and body; he was caused to suffer much mental and physical anguish and pain; he was caused to expend monies for drugs, doctors and hospitalization; he was caused to lose time from his work; all to the loss and damage of the Plaintiff in the aforesaid amount.

5.

The Plaintiff, Vada Lee Smith, as Administrator of the estate of Archie E. Smith, deceased, claims of the Defendant the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, as damages for that heretofore, on, to-wit, October 11, 1955, the Plaintiff's intestate, Archie E. Smith, was riding as a passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles east of Robertsedale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama, that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant or employee, who was then and there acting within the line and scope of his employment as such, so negligently operated his motor vehicle as to cause it to run into or against the motor vehicle in which Archie E. Smith was riding and

as a proximate result of said negligence, the said Archie E. Smith was negligently injured in that he received personal injuries from which, and as the proximate result of which he died on to-wit, October 23, 1955; all to the loss and damages of the Plaintiff in the aforesaid amount.

6.

The Plaintiff, Vada Lee Smith, as Administrator of the Estate of Archie E. Smith, deceased, claims of the Defendants, the sum of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS as damages for that heretofore, on, to-wit, October 11, 1955, the Plaintiff's intestate, Archie E. Smith, was riding as a passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles east of Robertsdale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama, that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant, or employee, who was then and there acting within the line and scope of his employment as such, did wantonly run the motor vehicle he was driving into the motor vehicle Archie E. Smith, was riding and as a direct proximate consequence and result of said wanton act the said Archie E. Smith, was wantonly injured in that he received personal injuries from which, and as the proximate result of which he died on, to-wit, October 23, 1955, all to the loss and damage of Plaintiff in the aforesaid amount.

7.

The Plaintiff further avers that the Defendant, Floyd R. Smith, is and was on the date of the said accident, to-wit, October 11, 1955, a non-resident of the State of Alabama, and the present address of the Defendant is South Flomaton, Florida; and the Plaintiff further avers that the Defendant, Malcolm L. Gafford, is and was on the date of the said accident, to-wit, October 11, 1955, a non-resident of the State of Alabama, and the present post office address of the Defendant is Route 7, Box 100, Pensacola, Florida, and the Plaintiff prays that service of process upon the said Defendants may be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section 199.

Wilters & Brantley

BY:

Walters & Brantley
BY: Ray J. Walters
Attorneys for the Plaintiff

~~Attorneys~~ for the Plaintiff

The Plaintiff demands a trial by jury.

Wilters & Brantley

27

Walters & Brantley
BY: Gay J. Walters
Attorneys for the Plaintiff

Attorneys for the Plaintiff

1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 2. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 3. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 4. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 5. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 6. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 7. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 8. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 9. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 10. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

$\frac{1}{n} \sum_{i=1}^n x_i = \bar{x}$

$\frac{1}{n} \sum_{i=1}^n y_i = \bar{y}$

$\frac{1}{n} \sum_{i=1}^n z_i = \bar{z}$

$\frac{1}{n} \sum_{i=1}^n w_i = \bar{w}$

$\frac{1}{n} \sum_{i=1}^n v_i = \bar{v}$

$\frac{1}{n} \sum_{i=1}^n u_i = \bar{u}$

$\frac{1}{n} \sum_{i=1}^n t_i = \bar{t}$

$\frac{1}{n} \sum_{i=1}^n s_i = \bar{s}$

$\frac{1}{n} \sum_{i=1}^n r_i = \bar{r}$

$\frac{1}{n} \sum_{i=1}^n q_i = \bar{q}$

$\frac{1}{n} \sum_{i=1}^n p_i = \bar{p}$

$\frac{1}{n} \sum_{i=1}^n o_i = \bar{o}$

$\frac{1}{n} \sum_{i=1}^n n_i = \bar{n}$

$\frac{1}{n} \sum_{i=1}^n m_i = \bar{m}$

$\frac{1}{n} \sum_{i=1}^n l_i = \bar{l}$

$\frac{1}{n} \sum_{i=1}^n k_i = \bar{k}$

$\frac{1}{n} \sum_{i=1}^n j_i = \bar{j}$

$\frac{1}{n} \sum_{i=1}^n i_i = \bar{i}$

$\frac{1}{n} \sum_{i=1}^n h_i = \bar{h}$

$\frac{1}{n} \sum_{i=1}^n g_i = \bar{g}$

$\frac{1}{n} \sum_{i=1}^n f_i = \bar{f}$

$\frac{1}{n} \sum_{i=1}^n e_i = \bar{e}$

$\frac{1}{n} \sum_{i=1}^n d_i = \bar{d}$

$\frac{1}{n} \sum_{i=1}^n c_i = \bar{c}$

$\frac{1}{n} \sum_{i=1}^n b_i = \bar{b}$

$\frac{1}{n} \sum_{i=1}^n a_i = \bar{a}$

56

[illegible]

reconstituted with
 the help of Archie H.
 Allen, Jr. and
 Edward J. Allen, Jr.

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group and the experimental group. The control group received a standard diet and water, while the experimental group received a diet supplemented with 0.5% of the test substance. The subjects were divided into two subgroups: the control subgroup and the experimental subgroup. The control subgroup received a standard diet and water, while the experimental subgroup received a diet supplemented with 0.5% of the test substance. The subjects were divided into two subgroups: the control subgroup and the experimental subgroup. The control subgroup received a standard diet and water, while the experimental subgroup received a diet supplemented with 0.5% of the test substance.

1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 2. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 3. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 4. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 5. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 6. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 7. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 8. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 9. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 10. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

[Handwritten signature]

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon MALCOLM L. GAFFORD and FLOYD R. SMITH, to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of VADA LEE SMITH, Administrator of the estate of Archie E. Smith, Deceased.

Witness my hand this 5th day of January, 1956.

Alfred J. Moore
Clerk

VADA LEE SMITH, Administrator
of the Estate of Archie E.
Smith, deceased,

PLAINTIFF

VS

MALCOLM L. GAFFORD AND
FLOYD R. SMITH

DEFENDANTS

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

1.

The Plaintiff, Vada Lee Smith, as Administrator of the Estate of Archie E. Smith, deceased, claims of the Defendants the sum of ONE THOUSAND (\$1000.00) DOLLARS, as damages for that heretofore, on, to-wit, October 11, 1955, Archie E. Smith's motor vehicle was being operated along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where it had a right to be, to-wit, at a point approximately three miles East of Robertsedale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90 in Baldwin County, Alabama; that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant, or employee who was then and there acting within the line and scope of his employment as such, so negligently operated his motor vehicle as to cause it to run into or against the vehicle of Archie E. Smith, and as a proximate result of said negligence, the vehicle of Archie E. Smith was damaged to such an extent that it was rendered valueless, all to the loss of the Plaintiff in the aforesaid amount.

2.

The Plaintiff claims of the Defendants the sum of ONE THOUSAND (\$1000.00) DOLLARS as damages for that heretofore on, to-wit, October 11, 1955, Archie

E. Smith's motor vehicle was being operated along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where it had a right to be, to-wit, at a point approximately three miles East of Robertsdale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama; that at said time and place the Defendant Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant, or employee who was then and there acting within the line and scope of his employment, did wantonly run the motor vehicle he was driving into the motor vehicle of Archie E. Smith and as a direct proximate consequence and result of said wanton act, the motor vehicle of Archie E. Smith was wantonly damaged to such an extent that it was rendered valueless, all to the loss of the Plaintiff in the aforesaid amount.

3.

The Plaintiff claims of the Defendants the sum of FIVE THOUSAND (\$5000.00) DOLLARS as damages for that heretofore, on, to-wit, October 11, 1955, the said Archie E. Smith was riding as a passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles East of Robertsdale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama; that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant or employee, who was then and there acting within the line and scope of his employment as such, so negligently operated his motor vehicle as to cause it to run into or against the motor vehicle in which Archie E. Smith was riding as a passenger and as a proximate result of said negligence, the said Archie E. Smith was negligently injured as follows: his lungs were bruised and injured; a rib broken, he received a concussion of the brain; he was knocked out; he was bruised about the head and body; he was caused to suffer much mental and physical anguish and pain; he was caused to expend monies for drugs, doctors and hospitalization; he was caused to lose time from his work; all to the loss and damage of the Plaintiff in the aforesaid amount.

4.

The Plaintiff claims of the Defendants the sum of FIVE THOUSAND (\$5000.00) DOLLARS, as damages for that heretofore on, to-wit, October 11, 1955, the said Archie E. Smith was riding as a passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles east of Robertsdale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama; that at said time and place the defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford his agent, servant, or employee, who was then and there acting within the line and scope of his employment as such, did wantonly run the motor vehicle he was driving into the motor vehicle Archie E. Smith was riding as a passenger, and as a direct proximate consequence and result of said wanton act the said Archie E. Smith was wantonly injured as follows: his lungs were bruised and injured; a rib was broken; he received a concussion of the brain; he was knocked out; he was bruised about the head and body; he was caused to suffer much mental and physical anguish and pain; he was caused to expend monies for drugs, doctors and hospitalization; he was caused to lose time from his work; all to the loss and damage of the Plaintiff in the aforesaid amount.

5.

The Plaintiff, Vada Lee Smith, as Administrator of the estate of Archie E. Smith, deceased, claims of the Defendant the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, as damages for that heretofore, on, to-wit, October 11, 1955, the Plaintiff's intestate, Archie E. Smith, was riding as a passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles east of Robertsdale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama, that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant or employee, who was then and there acting within the line and scope of his employment as such, so negligently operated his motor vehicle as to cause it to run into or against the motor vehicle in which Archie E. Smith was riding and

as a proximate result of said negligence, the said Archie E. Smith was negligently injured in that he received personal injuries from which, and as the proximate result of which he died on to-wit, October 23, 1955; all to the loss and damages of the Plaintiff in the aforesaid amount.

6.

The Plaintiff, Vada Lee Smith, as Administrator of the Estate of Archie E. Smith, deceased, claims of the Defendants, the sum of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS as damages for that heretofore, on, to-wit, October 11, 1955, the Plaintiff's intestate, Archie E. Smith, was riding as a passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles east of Robertsedale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama, that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant, or employee, who was then and there acting within the line and scope of his employment as such, did wantonly run the motor vehicle he was driving into the motor vehicle Archie E. Smith, was riding and as a direct proximate consequence and result of said wanton act the said Archie E. Smith, was wantonly injured in that he received personal injuries from which, and as the proximate result of which he died on, to-wit, October 23, 1955, all to the loss and damage of Plaintiff in the aforesaid amount.

7.

The Plaintiff further avers that the Defendant, Floyd R. Smith, is and was on the date of the said accident, to-wit, October 11, 1955, a non-resident of the State of Alabama, and the present address of the Defendant is South Flomaton, Florida; and the Plaintiff further avers that the Defendant, Malcolm L. Gafford, is and was on the date of the said accident, to-wit, October 11, 1955, a non-resident of the State of Alabama, and the present post office address of the Defendant is Route 7, Box 100, Pensacola, Florida, and the Plaintiff prays that service of process upon the said Defendants may be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section 199.

Walters & Brantley

BY: Gray J. Walters Jr
Attorneys for the Plaintiff

The Plaintiff demands a trial by jury.

Walters & Brantley

BY: Gray J. Walters Jr
Attorneys for the Plaintiff

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

VADA LEE SMITH, Administrator)
of the Estate of Archie E.)
Smith, Deceased,)

PLAINTIFF)

-vs-)

MALCOLM L. GAFFORD AND)
FLOYD R. SMITH,)
DEFENDANTS.)

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 Defendants in the above entitled cause, has this 2nd day of February, 1956, filed a petition and bond in the United States District Court for the Southern District of Alabama, Southern Division, petitioning that Court to remove that 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 Vada Lee Smith, Administrator of the Estate of Archie E. Smith, Deceased, is plaintiff and Malcolm L. Gafford and Floyd R. Smith are the defendants, 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.


ATTORNEYS FOR THE DEFENDANTS
MALCOLM L. GAFFORD AND FLOYD
R. SMITH.

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

VADA LEE SMITH, Administrator
of the Estate of Archie E.
Smith, Deceased,
PLAINTIFF

VS

MALCOLM L. GAFFORD AND
FLOYD R. SMITH,
DEFENDANTS.

NO. _____

Comes now Malcolm L. Gafford and Floyd R. Smith, defendants in the above-entitled cause, and present 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 these defendants in the Circuit Court of Baldwin County in the State of Alabama, on the 5th day of January, 1956; that at the time said suit was begun, and at the present time, the defendants were and still are citizens and residents of the State of Florida, and domiciled in the State of Florida;

That the Plaintiff in said suit was and still is a citizen and resident of the State of Alabama; 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 the negligent ownership or operation of an automobile truck; and the defendants herewith file a bond with good and sufficient surety conditioned that the defendants 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 petitioners have not yet appeared or pleaded in said action; that service was had upon your petitioners in said suit by service upon the Secretary of State of the State of Alabama on January 16th, 1956, less than twenty (20) days before the filing of this petition; that a copy of all process, pleadings and orders that have been served upon the defendants in the above entitled cause are attached to this petition;

That the defendants 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 Circuit Court of Baldwin County, Alabama;

WHEREFORE the petitioner prays that 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.

Malcolm L. Gafford
MALCOLM L. GAFFORD
Floyd R. Smith
FLOYD R. SMITH

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Personally appeared before me, the undersigned authority, Malcolm L. Gafford and Floyd R. Smith, who being by me first duly sworn, depose and say that they are the defendants in the above entitled suit, that they have read the above and foregoing petition and that the facts stated therein are true.

Malcolm L. Gafford
Malcolm L. Gafford
Floyd R. Smith
Floyd R. Smith

Subscribed and sworn to before me

this 2 day of February, 1956, at Mobile, Florida
W. D. Nell
Notary Public, Sub. 1056
My Commission Expires Feb. 3, 1959
Bonded By American Fire & Casualty Co.
NOTARY PUBLIC, ESCAMBIA COUNTY, FLA.

Attorneys for Petitioners, 517 First
National Bank Bldg., Mobile, Ala.

Of Counsel, 517 First National
Bank Bldg., Mobile, Alabama.

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE

Montgomery 4, Ala.

January 16, 1956

REGISTERED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY.

Floyd R. Smith
Century, Florida

You will takenotice that on January 16, 1956 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, Summons and Complaint in a case entitled:

VADA LEE SMITH, Administrator of the Estate of Archie E. Smith, Deceased, Plaintiff vs. FLOYD R. SMITH, et al, Defendants, in the Circuit Court of Baldwin County, Alabama, At Law, Case No. (not given) 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 16th day of January, 1956.

/s/ Mary Texas Hurt

Secretary of State

Enclosure 1: Copy of Summons and
Complaint

cc: Honorable Harry J. Wilters, Attorney
at Law, 1002 McMillan Avenue
Bay Minette, Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon MALCOLM L. GAFFORD and FLOYD R. SMITH, to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of VADA LEE SMITH, Administrator of the estate of Archie E. Smith, Deceased.

Witness my hand this 5th day of January, 1956.

/s/ Alice J. Duck
Clerk

VADA LEE SMITH, Administrator of the Estate of Archie E. Smith, Deceased,		IN THE CIRCUIT COURT OF
		BALDWIN COUNTY, ALABAMA,
PLAINTIFF		
VS		AT LAW.
MALCOLM L. GAFFORD AND FLOYD R. SMITH		
DEFENDANTS.		
		1.

The Plaintiff, Vada Lee Smith, as Administrator of the Estate of Archie E. Smith, deceased, claims of the Defendants the sum of ONE THOUSAND (\$1000.00) DOLLARS, as damages for that heretofore, on, to-wit, October 11, 1955, Archie E. Smith's motor vehicle was being operated along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where it had a right to be, to-wit, at a point approximately three miles East of Roberts- dale, Alabama, where the Rosinton Farm-to-market road intersects U. S. Highway 90 in Baldwin County, Alabama; that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his servant, agent , or employee who was then and there acting within the line and scope of his employment as such, so negligently operated his motor vehicle as to cause it to run into or against the vehicle of Archie E. Smith, and as a proximate result of said negligence, the vehicle of Archie E. Smith was damaged to such an extent that it was rendered valueless, all to the loss of the plaintiff in the aforesaid amount.

2.

The Plaintiff claims of the Defendants the sum of ONE THOUSAND (\$1000.00) DOLLARS as damages for that heretofore on, to-wit, October 11, 1955, Archie E. Smith's motor vehicle was being operated along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where it had a right to be, to-wit, at a point approximately three miles East of Robertsdale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama; that at said time and place the Defendant Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant, or employee who was then and there acting within the line and scope of his employment, did wantonly run the motor vehicle he was driving into the motor vehicle of Archie E. Smith and as a direct proximate consequence and result of said wanton act, the motor vehicle of Archie E. Smith was wantonly damaged to such an extent that it was rendered valueless, all to the loss of the Plaintiff in the aforesaid amount.

3.

The Plaintiff claims of the Defendants the sum of FIVE THOUSAND (\$5000.00) DOLLARS as damages for that heretofore, on, to-wit, October 11, 1955, the said Archie E. Smith was riding as a passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles East of Robertsdale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama; that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant or employee, who was then and there acting within the line and scope of his employment as such, so negligently operated his motor vehicle as to cause it to run into or against the motor vehicle in which Archie E. Smith was riding as a passenger and as a proximate result of said negligence, the said Archie E. Smith was negligently injured as follows: his lungs were bruised and injured; a rib broken, he received a concussion of his brain; he was knocked out; he was bruised about the head and body; he was caused to suffer much mental and physical anguish and pain; he was caused to expend monies for drugs, doctors and hospitalization; he was caused to lose time from his work; all to the loss and damage of the Plaintiff in the aforesaid amount.

4.

The Plaintiff claims of the Defendants the sum of FIVE THOUSAND (\$5000.00) DOLLARS, as damages for that heretofore on, to-wit, October 11, 1955, the said Archie E. Smith was riding as a passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles east of Robertsedale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama; that at said time and place the defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford his agent, servant, or employee, who was then and there acting within the line and scope of his employment as such, did wantonly run the motor vehicle he was driving into the motor vehicle Archie E. Smith was riding as a passenger, and as a direct proximate consequence and result of said wanton act the said Archie E. Smith was wantonly injured as follows: his lungs were bruised and injured; a rib was broken; he received a concussion of the brain; he was knocked out; he was bruised about the head and body; he was caused to suffer much mental and physical anguish and pain; he was caused to expend monies for drugs, doctors and hospitalization; he was caused to lose time from his work; all to the loss and damage of the Plaintiff in the aforesaid amount.

5.

The Plaintiff, Vada Lee Smith, as Administrator of the estate of Archie E. Smith, deceased, claims of the Defendant the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, as damages for that heretofore, on, to-wit, October 11, 1955, the Plaintiff's intestate, Archie E. Smith, was riding as a passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles east of Robertsedale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama, that at said time and place the defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant or employee, who was then and there acting within the line and scope of his employment as such, so negligently operated his motor vehicle as to cause it to run into or against the motor vehicle in which Archie E. Smith was riding and as a proximate result of said negligence

the said Archie E. Smith was negligently injured in that he received personal injuries from which, and as the proximate result of which he died on to-wit, October 23, 1955; all to the loss and damages of the Plaintiff in the aforesaid amount.

6.

The plaintiff, Vada Lee Smith, as Administrator of the Estate of Archie E. Smith, deceased, claims of the defendants, the sum of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS as damages for that heretofore on, to-wit, October 11, 1955, the Plaintiff's intestate, Archie E. Smith, was riding as passenger in a motor vehicle along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where he had a right to be, to-wit, at a point approximately three miles east of Robertsdale, Alabama, where the Rosinton Farm-to-market road intersects U. S. 90, in Baldwin County, Alabama, that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his agent, servant, or employee, who was then and there acting within the line and scope of his employment as such, did wantonly run the motor vehicle he was driving into the motor vehicle Archie E. Smith, was riding and as a direct proximate consequence and result of said wanton act the said Archie E. Smith, was wantonly injured in that he received personal injuries from which, and as the proximate result of which he died on, to-wit, October 23, 1955, all to the loss and damage of Plaintiff in the aforesaid amount.

7.

The Plaintiff further avers that the Defendant, Floyd R. Smith, is and was on the date of the said accident, to-wit, October 11, 1955, a non-resident of the State of Alabama, and the present address of the Defendant is South Flomaton, Florida; and the Plaintiff further avers that the Defendant Malcolm L. Gafford, is and was on the date of said accident, to-wit, October 11, 1955, a non-resident of the State of Alabama, and the present post office address of the Defendant is Route 7, Box 100, Pensacola, Florida, and the Plaintiff prays that service of process upon the said Defendants may be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section 199.

/s/ Wilters & Brantley
By: Harry J. Wilters, Jr.
Attorneys for the plaintiff

The Plaintiff demands a trial by jury.

/s/ Wilters & Brantley
By: Harry J. Wilters, Jr.
Attorneys for the plaintiff.

STATE OF ALABAMA

COUNTY OF MOBILE

KNOW ALL MEN BY THESE PRESENTS, That Malcolm L. Gafford and Floyd R. Smith, as principals, and the United States Fidelity & Guaranty Company, a corporation, as surety, are held and firmly bound unto Vada Lee Smith, administrator of the Estate of Archie E. Smith, Deceased, in the penal sum of Five Hundred and no/100 (\$500.00) Dollars, payment whereof well and truly to be made unto the said Vada Lee Smith, Administrator of the Estate of Archie E. Smith, Deceased, her successors and assigns, we find ourselves, our heirs and assigns, jointly and severally firmly by these presents, yet upon these conditions, that the said Malcolm L. Gafford and Floyd R. Smith are petitioners 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 Vada Lee Smith, Administrator of the Estate of Archie E. Smith, Deceased, is the plaintiff, and Malcolm L. Gafford and Floyd R. Smith are the defendants;

NOW if the said Malcolm L. Gafford and Floyd R. Smith shall 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, Malcolm L. Gafford and Floyd R. Smith have hereunto set their hands and seals, and the United States Fidelity & Guaranty Co., a corporation, has caused its name to be signed by K. C. Ptomey, its duly appointed and acting attorney-in-fact, this 3rd day of February, 1956.

Malcolm L. Gafford
Malcolm L. Gafford
Floyd R. Smith
Floyd R. Smith

UNITED STATES FIDELITY & GUARANTY
CO., A Corporation.

by: J. C. Ptomey
Attorney-in-fact.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon MALCOLM L. GAFFORD and FLOYD R. SMITH, to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of VADA LEE SMITH, Administrator of the estate of Archie E. Smith, Deceased.

Witness my hand this 5th day of January, 1956.

/s/ Alice J. Duck
Clerk

VADA LEE SMITH, Administrator
of the Estate of Archie E.
Smith, Deceased,

PLAINTIFF

VS

MALCOLM L. GAFFORD AND
FLOYD R. SMITH

DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

1.

The Plaintiff, Vada Lee Smith, as Administrator of the Estate of Archie E. Smith, deceased, claims of the Defendants the sum of ONE THOUSAND (\$1000.00) DOLLARS, as damages for that heretofore, on, to-wit, October 11, 1955, Archie E. Smith's motor vehicle was being operated along and upon U. S. Highway No. 90, a public highway in Baldwin County, Alabama, a place where it had a right to be, to-wit, at a point approximately three miles East of Roberts-dale, Alabama, where the Rosinton Farm-to-market road intersects U. S. Highway 90 in Baldwin County, Alabama; that at said time and place the Defendant, Floyd R. Smith, acting by and through Malcolm L. Gafford, his servant, agent, or employee who was then and there acting within the line and scope of his employment as such, so negligently operated his motor vehicle as to cause it to run into or against the vehicle of Archie E. Smith, and as a proximate result of said negligence, the vehicle of Archie E. Smith was damaged to such an extent that it was rendered valueless, all to the loss of the plaintiff in the aforesaid amount.

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

VADA LEE SMITH, Administrator)
of the Estate of Archie E.)
Smith, Deceased,)
PLAINTIFF)

TO THE HONORABLE WILTERS
& BRANTLEY.

-vs-

MALCOLM L. GAFFORD AND)
FLOYD R. SMITH,)
DEFENDANTS.)

Please take notice that the undersigned, as attorneys
for the Defendants in the above entitled cause, have this
_____ day of February, 1956, 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 said cause wherein Vada Lee Smith, Administrator
of the Estate of Archie E. Smith, Deceased, is the Plaintiff
and Malcolm L. Gafford and Floyd R. Smith are the defendants;

The notice herein given is in compliance with Title 28,
U. S. C. A., Paragraph 1446.

ATTORNEYS FOR PETITIONERS.

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

VADA LEE SMITH, Administrator)
of the Estate of Archie E.)
Smith, Deceased,)
PLAINTIFF)

-vs-

MALCOLM L. GAFFORD AND)
FLOYD R. SMITH,)
DEFENDANTS.)

C E R T I F I C A T E.

I, Sam W. Pipes, III, one of the attorneys for the
defendants in the above entitled cause, do hereby certify
that I have this ____ day of February, 1956, 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 Hon. Wilters & Brantley,
attorneys of record for the plaintiff, by mailing a copy of
said petition and bond, postage prepaid, registered mail,
return receipt requested, to the said Wilters & Brantley,
at Bay Minette, Alabama;

And I do further certify that I have this ____ day
of February, 1956, served a copy of the petition and bond
upon the clerk of the Circuit Court of Baldwin County, Ala-
bama, by mailing a copy of said petition and bond, postage
prepaid, registered mail, return receipt requested, to the
clerk of the said Court at the Court House in Bay Minette,
Alabama.

Sam W. Pipes, III.