

MOSE CRAWFORD,	:	IN THE CIRCUIT COURT OF
Plaintiff	:	
VS:	:	BALDWIN COUNTY, ALABAMA
ROBERT WELCH,	:	AT LAW
Defendant	:	No. 4441
	:	

Comes now the Plaintiff in the above styled cause and for replication to the pleas heretofore filed, and to each plea thereof, separately and severally, says as follows, separately and severally:

1. Plaintiff joins issue on each and every plea.
2. For further and special replication to Pleas III and IV, Plaintiff avers that at the time and place complained of therein, Defendant was himself guilty of negligence in the operation of a motor vehicle which proximately contributed to his alleged injuries and damages; hence he cannot recover.

McDERMOTT & SLEPIAN


Attorneys for Plaintiff

FILED
AUG 28 1961
ALICE J. DUCK, CLERK
REGISTER

MOSE CRAWFORD,

Plaintiff,

vs.

ROBERT WELCH,

Defendant.

IN THE CIRCUIT COURT OF

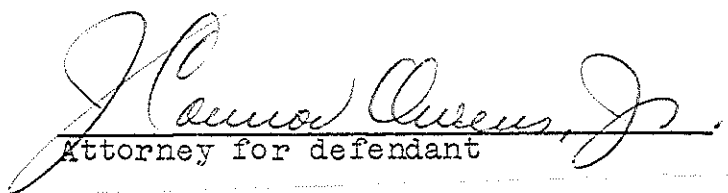
BALDWIN COUNTY, ALABAMA,

AT LAW

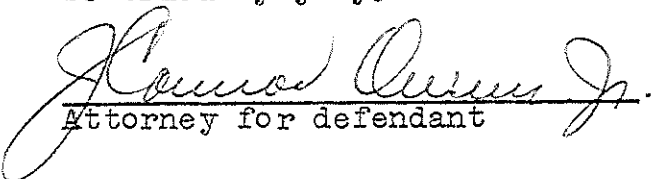
NO. 4441

Now comes the defendant, by his attorney, and demurs to the Bill of Complaint filed in this cause and as grounds therefor assigns the following, both separately and severally:

1. Bill of Complaint does not state a cause of action.
2. Said bill does not allege in what manner the automobile of the plaintiff was damaged.
3. Said bill does not allege that the automobile of the plaintiff was a total loss.
4. The Bill of Complaint does not set forth the damages to the automobile as required by law.
5. The Bill of Complaint does not allege the model and make of the automobile allegedly damaged.
6. Said bill does not allege the time lost from employment.
7. The allegation that the plaintiff incurred "other expense in and about the care of his said injuries" is a conclusion of the pleader and does not set forth the alleged expenses with detail.
8. Said Bill of Complaint does not set forth the time of day of the accident.


Attorney for defendant

Defendant demands that this cause
be tried by jury.


Attorney for defendant

FILED
OCT 31 1960

ALICE J. DUCK, Clerk

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW NO. 4441.

MOSE CRAWFORD,

Plaintiff,

vs.

ROBERT WELCH,

Defendant.

DEMURPER

FILED

OCT 31 1960

ALICE J. DUCK, Clerk

J. CONNOR OWENS, JR.

ATTORNEY AT LAW

Dahlberg Building

BAY MINETTE, ALABAMA

MOSE CRAWFORD,
Plaintiff

vs.

ROBERT WELCH,
Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW NO. 4441.

Now comes the defendant, by his attorney, and for answer to the amended complaint heretofore filed in this cause, says:

I

Not guilty.

II

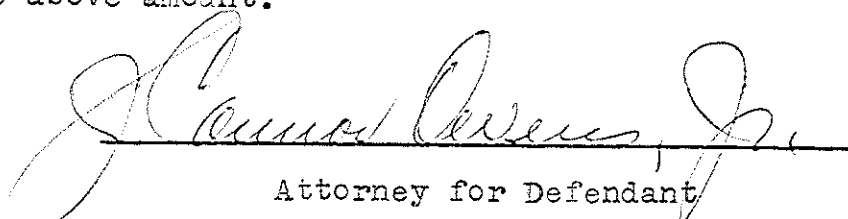
That at the time and place complained of in the complaint, the plaintiff was himself guilty of such negligence which proximately contributed to his alleged injury and damages in that he so negligently operated his motor vehicle so as to cause or allow the same to run into or against the vehicle which the defendant was operating.

III

The defendant, Robert Welch, pleads by way of recoupment as follows: The defendant, Robert Welch, claims by way of recoupment the sum of FIVE THOUSAND DOLLARS (\$5000) as damages for that on, to-wit: On the 21st day of September, 1960, the plaintiff so negligently operated an automobile on U. S. Highway 90 at or near a point approximately across from the Holiday Inn Motel on the Mobile Bay Causeway, at which point said highway is a public road in Baldwin County, Alabama, as to cause or allow the same to run into, upon, or against the automobile of the defendant, which he was then and there operating, and as a proximate consequence and result of the negligence of the plaintiff aforesaid, the defendant was seriously injured in that: his nose was broken and a finger upon his hand was broken and he was cut, bruised, and suffered great physical and mental pain and anguish; he was caused to lose time from his work; he was caused to pay hospital and doctor bills, wherefore he brings this plea of recoupment and asks judgment in the above amount.

IV

The defendant, Robert Welch, pleads by way of recoupment as follows: The defendant, Robert Welch, claims by way of recoupment, the sum of FIVE HUNDRED DOLLARS (\$500) as damages for that on, to-wit: On the 21st day of September, 1960, the Plaintiff so negligently operated an automobile on U. S. Highway 90 at or near a point approximately across from the Holiday Inn Motel on the Mobile Bay Causeway, at which point said highway is a public road in Baldwin County, Alabama, as to cause or allow the same to run into, upon, or against the automobile of the defendant, which he was then and there operating, and as a proximate consequence and result of the negligence of the plaintiff aforesaid, the defendant's vehicle was smashed, bent, and broken; the grill, front lights, motor, and motor hood were damaged; the alignment of the vehicle was impaired; the defendant was caused to incur towing costs; wherefore, he brings this plea of recoupment and asks judgment in the above amount.


Attorney for Defendant

FILED

AUG 21 1961

ALICE J. DICK, CLERK
REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW NO. 4441.

MOSE CRAWFORD,

Plaintiff,

vs.

ROBERT WELCH,

Defendant.

ANSWER and PLEA OF RECOUPMENT

FILED

AUG 21 1961

Alice J. Dook, CLERK
REGISTER

J. CONNOR OWENS, JR.

ATTORNEY AT LAW

Dahlberg Building

BAY MINETTE, ALABAMA

MOSE CRAWFORD,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
VS:	:	AT LAW
ROBERT WELCH,	:	NO. 4441
Defendant	:	

Comes now the Plaintiff in the above styled cause and amends his complaint heretofore filed so as to read as follows:

COUNT ONE

Plaintiff claims of Defendant the sum of TWO HUNDRED AND 00/100 (\$200.00) DOLLARS, damages for that heretofore on, to-wit, September 21, 1960, Plaintiff was operating his motor vehicle eastwardly on U. S. Highway 90 at or near a point approximately opposite the Holiday Inn Motel on the Mobile Bay Causeway, at which point said U. S. Highway 90 is a public road in the County of Baldwin, Alabama and at said time and place Defendant so negligently operated a motor vehicle as to cause or allow the same to collide with the motor vehicle of Plaintiff, and as a proximate result and consequence of the aforesaid negligence of Defendant, Plaintiff's person was severely injured in that his body was bruised and contused; his shoulders and the upper part of his back were severely jolted; he was caused to incur medical expense in and about the care of his said injuries; he was caused to suffer great pain and mental anguish; he was caused to lose time from his employment; he was caused to incur towing costs; all the above to his great damage in the amount aforesaid, hence this suit.

COUNT TWO

Plaintiff claims of Defendant the sum of SEVEN HUNDRED FIFTY AND 00/100 (\$750.00) DOLLARS, damages for that heretofore on, to-wit, September 21, 1960, Plaintiff was operating his

motor vehicle eastwardly on U. S. Highway 90 at or near a point approximately opposite the Holiday Inn Motel on the Mobile Bay Causeway, at which point said U. S. Highway 90 is a public road in the County of Baldwin, Alabama, and at said time and place Defendant so negligently operated a motor vehicle as to cause or allow the same to collide with the motor vehicle of Plaintiff, and as a proximate result and consequence of the aforesaid negligence of Defendant, Plaintiff's automobile was greatly smashed, bent and broken; it was struck on the left rear side and in the rear; the trunk thereof and the rear bumper were greatly smashed and bent; the vehicle was reduced to junk value; Plaintiff was caused to incur towing costs; all the above to his great damage in the amount aforesaid, hence this suit.

WILLIAM H. McDERMOTT


Attorney for Plaintiff

Attorney for Defendant:

Hon. J. Connor Owens, Jr.

FILED

JAN 26 1961

ALICE J. DUCK, CLERK
REGISTER

It was the duty of the jury to determine whether or not the defendant was negligent in the operation of the vehicle and whether or not the plaintiff was contributorily negligent. The jury found that the defendant was negligent and that the plaintiff was not contributorily negligent. The jury awarded damages to the plaintiff in the sum of \$700.00.

We, the jury, find for the
Plaintiff, awarded damages of \$700.00

Albert M. L.
Counsel

4441

FILED

JAN 26 1961

ALICE J. DUCK, CLERK
REGISTER

MOSE CRAWFORD,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
VS:	:	AT LAW
ROBERT WELCH,	:	
Defendant	:	NO. <u>4441</u>

COUNT ONE

Plaintiff claims of Defendant the sum of FIVE THOUSAND AND 00/100 (\$5,000.00) DOLLARS, damages for that heretofore on, to-wit, September 21, 1960, Plaintiff was operating his motor vehicle Eastwardly on U. S. Highway 90 at or near a point approximately opposite the Holiday Inn Motel on the Mobile Bay Causeway, at which point said U. S. Highway 90 is a public road in the County of Baldwin, Alabama, and at said time and place Defendant so negligently operated a motor vehicle as to cause or allow the same to collide with the motor vehicle of Plaintiff, and as a proximate result and consequence of the aforesaid negligence of Defendant, Plaintiff's person was severely injured in that his body was bruised and contused; he was caused to incur medical expense, hospital expense and other expense in and about the care of his said injuries; his shoulders and the upper part of his back were severely jolted; he was caused to suffer great pain and mental anguish; he was caused to lose time from his employment; his automobile was greatly smashed, bent and broken; he was caused to incur towing costs; all the above to his great damage in the amount aforesaid, hence this suit.

WILLIAM H. McDERMOTT

William H. McDermott

Attorney for Plaintiff

Address of Defendant:

506 Burns Street
Bay Minette, Alabama

SUMMONS AND COMPLAINT

Circuit Court, Baldwin County

The State of Alabama,
Baldwin County.

No. 4441

TERM, 19--

TO ANY SHERIFF OF THE STATE OF ALABAMA

Robert Welch

You Are Commanded to Summon

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

Robert Welch

Mose Crawford

Defendant

Plaintiff

by

4th

day of

October

1960

Witness my hand this

Oct-10-6-60

Archie J. [Signature]

Clerk

No. 11111

Page _____

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

MOSE CRAWFORD

Plaintiffs

vs.

ROBERT WELCH

Defendants

Summons and Complaint

Filed 10-4 19 60

Alice J. Duck

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19 _____

Sheriff.

I have executed this summons

this Oct 6 19 60

by leaving a copy with

Robert Welch

Ray W. Walker Sheriff.
W. A. Talbot Deputy Sheriff.
G. M. ...

110 4-2-62
Mose Crawford & Watch

JURY LIST - SPRING SESSION - MARCH 12, 1962

- ~~1. Christnacht, Leroy, Civil Service, Lillian~~
- ~~2. Cabaniss, Ray, Newport, Bay Minette~~
- ~~3. Byrd, Carl, Civil Service, Stapleton~~
- ~~4. Bryers, Rudolph M., Brookley Field, Bay Minette~~
- ~~5. Bryhn, Vernon A., Farmer, Elberta~~
- ~~6. Beasley, Wilson C., Merchant, Bay Minette~~
- ~~7. Bishop, Clarence, Farmer, Fairhope~~
- ~~8. Bloxham, Walter, Farmer, Fairhope~~
- ~~9. Brock, L.B., Farmer, Robertsdale~~
- ~~10. Gilbert, B.B., Mechanic, Bay Minette~~
- ~~11. Good, Joe, Farmer, Elberta~~
- ~~12. Crook, Prince, Laborer, Bay Minette~~
- ~~13. Guenther, Paul O., Civil Service, Foley~~
- ~~14. Gullledge, Carl, REA, Robertsdale~~
- ~~15. Akers, Redus M., Insurance, Bay Minette~~
- ~~16. Martin, Albert D., Newspaper, Bay Minette~~
- ~~17. Coleman, John E., Farmer, Bay Minette~~
- ~~18. Corley, Herace, W., Brookley Field, Bay Minette~~
- ~~19. Epperson, Edwin, Civil Service, Foley~~
- ~~20. Erdmann, Rudolph C., Plumber, Mag. Spgs.~~
- ~~21. Fell, Russell, Civil Service, Lillian~~
- ~~22. Hill, Robert, Merchant, Loxley~~
- ~~23. Jaye, James J., Farmer, Rabon~~
- ~~24. Jordan, Green, Merchant, Bay Minette~~
- ~~25. Kane, James, Farmer, Loxley~~
- ~~26. Keenan, Ruben A., Oil Dealer, Robertsdale~~
- ~~27. Keuler, Albert, Salesman, Loxley~~
- ~~28. King, Horace, E., Farmer, Mag. Spgs.~~
- ~~29. King, Vernon, Farmer, Robertsdale~~
- ~~30. Stucki, Alfred, Locker Plant Mgr., Elberta~~
- ~~31. Styron, Irby L., Plant Forman, Robertsdale~~
- ~~32. Moorer, Douglas, Clerk, Bay Minette~~
- ~~33. Moyer, Roy, Druggist, Fairhope~~
- ~~34. Nelson, J.L., Jr., Laborer, Fairhope~~
- ~~35. Nelson, Harry, Post Office, Bay Minette~~
- ~~36. Milton, Ovdrecks, Farmer, Robertsdale~~
- ~~37. Palmer, James J., Farmer, Robertsdale~~
- ~~38. Rhodes, Elbert M., Farmer, Summerdale~~
- ~~39. Roberts, Raymond C., Farmer, Foley~~
- ~~40. Roley, Charlie N., Farmer, Perdido~~
- ~~41. Schrieber, Bill, Carpenter, Foley~~
- ~~42. Stephens, Ray, Banker, Bay Minette~~
- ~~43. Seibert, Fred, Jr., Farmer, Elberta~~
- ~~44. Stewart, Frank, State Emp., Gulf Shores~~
- ~~45. Stuart, Derrill, Contractor, Bay Minette~~
- ~~46. Lamberth, Jack Ogal, Farmer, Bay Minette~~
- ~~47. Strickland, Marvin, Laborer, Bay Minette~~
- ~~48. McDaniel, Schuler, Farmer, Robertsdale~~
- ~~49. Corte, Albert, Farmer, Belforest~~

P XXXXX XXXXX XX

D XXXXX XXXXX XX

4441

Crawford

85

Wells

WILLIAM H. McDERMOTT

ATTORNEY AT LAW

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

HEMLOCK 8-4461

October 3, 1960

Mrs. Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

In re: Crawford vs Welch

Dear Mrs. Duck:

Enclosed herewith are original and one copy of
complaint in the above matter and I would sincerely
appreciate it if you cause them to be filed in the
Circuit Court of Baldwin County on the law side.

I would be indeed grateful if your office would
drop me a card advising if and when service of process
has been secured upon the defendant.

Very truly yours,



WILLIAM H. McDERMOTT

WHMcD:cm
Encl.

WILLIAM H. McDERMOTT

ATTORNEY AT LAW

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

HEMLOCK 8-4461

January 25, 1961

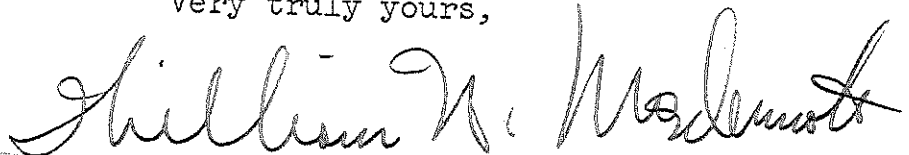
Mrs. Alice J. Duck, Clerk
Circuit Court of Baldwin County
Baldwin County Court House
Bay Minette, Alabama

In re: Mose Crawford
Vs. Robert Welch
Circuit Court No. 4441,
At Law

Dear Mrs. Duck:

Herewith enclosed are original and one copy of amended complaint and I would appreciate it if you would cause them to be filed.

Very truly yours,



WILLIAM H. McDERMOTT

WHMcD:cm
Encl.