THOMAS AUSPHERA HALL,) IN THE CIRCUIT COURT OF
APPELLANT) BALDWIN COUNTY, ALABAMA
VS. FLOYD MANN, AS DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, STATE OF ALABAMA,	28th JUDICIAL CIRCUIT NO. 4581
APPELLEF	\(\frac{1}{2}\)

Comes now the State of Alabama, acting by and through its

Director of the Department of the Department of Public Safety, Floyd

Mann, who is also Director of the Safety Responsibility Unit within

said Department, and who is charged by law with the administration of

the Motor Vehicle Safety Responsibility Act (Act No. 704, General

and Local Acts 1951, page 1224), and complies with those provisions

of Act No. 704, supra, which require said Director to file with the

Clerk of this Court a true and correct copy of the Order made by said

Director on, to wit, the 21 day of December, x1960x 1960,

together with a complete transcript of all the proceedings had by

said Director with reference to the said Order, together with all of
ficial forms or documents in his possession pertaining to said Order.

The said Director submits and marks for identification and makes a part hereof Exhibits <u>l</u> through <u>7</u>, which Exhibits are a true and correct copy of all said proceedings, orders and documents pertaining to said Order.

The Director of Public Safety prays that this Honorable Court will, after final hearing, render a judgment confirming or affirming the Order or Decision of said Director.

Said Director further prays that this Honorable Court, after final hearing, will make and enter an order requiring the appellant to deliver to said Director of Public Safety driver license numbered 0422902, registration certificates and plates numbered 5H1541 and all registration certificates and license plates registered in his name or owned by him.

And said Director prays for such other, further and
different relief to which he is entitled.
On this the 8 day of February, XXXXX1961.
STATE OF ALABAMA, ACTING BY AND THROUGH FLOYD MANN, AS DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY AND THE SAFETY RESPON- SIBILITY UNIT
MacDonald Gallion, AS ATTORNEY GENERAL
DAVID W. CLARK ASSISTANT ATTORNEY GENERAL
ATTORNEYS FOR THE STATE OF ALABAMA AND THE DEPARTMENT OF PUBLIC SAFETY
I, David W. Clark
as Assistant Attorney General of the State of Alabama, hereby
certify that I have mailed a copy of the foregoing to
Thomas Ausphera Hall, Stockton, Alabama,
on this the 8 day of February ,XXX960X 196

DAVID W. CLARK
ASSISTANT ATTORNEY GENERAL

OF COUNSEL

I, George Wallace, as Supervisor of the Safety Responsibility Unit of the State of Alabama of Public Safety, hereby certify, under the provisions of Title 7, Section 393, Code of Alabama 1940, that these instruments marked Exhibits

1 through 7, are a true, correct and complete copy of the original instruments which are required by law to be kept in my office. I further certify that the original of these instruments is in my custody and control and that I am an agent or employee of the Alabama Department of Public Safety.

GEORGE WALLACE, AS SUPERVISOR OF THE SAFETY RESPONSIBILITY UNIT, DEPARTMENT OF PUBLIC SAFETY

I, Floyd Mann, as Director of the Alabama Department of Public Safety, hereby certify that George Wallace, whose name is signed to the foregoing certificate, is in charge of the Safety-Responsibility Unit of the Department of Public Safety of the State of Alabama. I further certify that he is the proper custodian of the originals of these instruments.

FILED

FER 9 1961 ALICE I. DUCK, REGISTER FLOYD MANN, AS DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, STATE OF ALABAMA

	Case No. 60-29,975
* • • • • • • • • • • • • • • • • • • •	Date of Accident 11-4-60
	Place of Accident Bay Minette
<u>ACTION</u>	REPORT
Driver Thomas Ausphera Hall	Non. Res.
Owner	
Susp. for Failure to Report Acc.	
X JW X BR Post Security - Amount \$ 409.00	Date of Susp. 1-12-61
, , , , , , , , , , , , , , , , , , ,	•
Send SR-65 on	to Driver Owner
Send SR-19 and SR-20 to the State of	on Driver Owner
Send Pickup Order on Driver Owner to	
Send Stop Order on Driver Owner to	
Driver Lic. NoDate Rec	
Tag NoDate Rec	Date Ret.
REMARKS:	
*****	×××××××××××
Driver	Non. Res.
Driver	
	Non. Res.
Owner	Non. Res. Rein. After Acc. Rep. Rec.
OwnerSusp. for Failure to Report Acc	Non. Res
Owner Susp. for Failure to Report Acc. Post Security - Amount \$ Send SR-65 on	Non. Res. Rein. After Acc. Rep. Rec. Date of Susp. to Driver Owner
Owner Susp. for Failure to Report Acc Post Security - Amount \$\\$ Send SR-65 on Send SR-19 and SR-20 to the State of	Non. Res. Rein. After Acc. Rep. Rec. Date of Susp. to Driver Owner on Driver Owner
Owner Susp. for Failure to Report Acc. Post Security - Amount \$ Send SR-65 on	Non. Res. Rein. After Acc. Rep. Rec. Date of Susp. to Driver Owner on Driver Owner
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Owner Susp. for Failure to Report Acc	Non. Res. Rein. After Acc. Rep. Rec. Date of Susp. to Driver Owner on Driver Owner
Owner Susp. for Failure to Report Acc	Non. Res. Rein. After Acc. Rep. Rec. Date of Susp. to Driver Owner on Driver Owner Date Ret.
Owner Susp. for Failure to Report Acc	Non. Res. Rein. After Acc. Rep. Rec. Date of Susp. to Driver Owner on Driver Owner Date Ret. Date Ret.

$\underline{A} \ \underline{F} \ \underline{F} \ \underline{I} \ \underline{D} \ \underline{A} \ \underline{V} \ \underline{I} \ \underline{T}$

STATE OF Alabama Accident Case No. 60-29,975
COUNTY OF Baldwin
I, Lee Q. Catrett , make oath in due form of law that I
suffered property damages in the amount of \$ 409.00 as a result of a
motor vehicle accident which occurred on the 4th day of November, 1960,
in Baldwin County County and involved the following:
Vehicle No. 1, bearing License Plate No. Unknown for the State of
for the year of 1961 owned by T. A. Hall
and operated by T. A. Hall
Vehicle No. 2, bearing License Plate Nofor the State of
Alabama for the year of 1961 owned by Anna Mae Davis
and operated by Lee Q. Catrett
And I believe myself entitled to recovery of the above amount from T. A. Hall
, the owner of Vehicle No. 1 and that he or she
has not paid to or received from either myself or my insurance company any sum of
money as a result of this accident and that I have not released the said
T. A. Hall by agreement or otherwise from this claim, and no
court has given judgment against me as a result of this accident.
IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS 6th DAY OF December, 19 60
SIGNED Lee Q. Catrett
SWORN TO AND SUBSCRIBED BEFORE ME THIS 6th DAY OF December , 19 60 .
MY COMMISSION EXPIRES: Feb. 4, 1963 Kenneth Cooper NOTARY PUBLIC State at Large State of Alabama RETURN TO: Department of Public Safety, Motor Vehicle Safety Responsibility Unit, P. O. Box 1471, Montgomery, Alabama.
**Damages must be shown in dollars and **If sworn to by a person other than cents in a definite amount and you may injured party, show relationship to be required to submit proof of loss.

Lee Q. Catrett Star Route, Box 88 Bay Minette, Alabama

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STATE OF ALABAMA
Department of Public Safety
Driver License Division
P. O. Box 1471
Montgomery, Alabama

Form SR-52

DEC 7 1900

SAFETY RESP. UNIT

cb

December 5, 1960
In reply refer to:

Accident Case No. 60-29,975
Date of Accident 11/4/60
Place of accident Baldwin

This will acknowledge receipt of your report of the above captioned accident.

If a settlement has not been made and if you are claiming damages as a result of this accident, you may execute the affidavit on the reverse side of this letter and return it to this office.

If the affidavit on the reverse side of this letter is not returned to this office WITHIN TEN (10) DAYS, we will assume that you are not making a claim for damages and will process the records of this accident accordingly.

Yours very truly,

Les Wallace

George Wallace, Capt.
Safety Responsibility Unit

IMPORTANT**IF YOU ARE MAKING A CLAIM FOR DAMAGES, THE AFFIDAVIT ON THE REVERSE SIDE OF THIS FORM MUST BE FULLY COMPLETED OR IT WILL NOT BE PROCESSED BY THIS UNIT.

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	STATE OF ALL
	STATE OF Alabama Accident Case No. 60-29,975
	COUNTY OF Baldwin
	I, Thomas Ausphera Hall, Sr. , make oath in due form of law that I
	suffered property damages in the amount of \$ 27.75 as a result of a
	motor vehicle accident which occurred on the 4 day of November, 1960,
	in Baldwin County and involved the following:
γ	Vehicle No. 1, bearing License Plate No. 5H-1176 for the State of
<i>'')</i>	Alabama for the year of 1961 owned by T. A. Hall, Sr.
X XI	and operated by T. A. Hall. Sr.
	Vehicle No. 2, bearing License Plate Nofor the State of
	Alabama for the year of 1960 owned by Anna Mae Davis
	and operated by Lee Cetrett
	And I believe myself entitled to recovery of the above amount from
	Anna Mae Davis , the owner of Vehicle No. 2 and that he or she
	has not paid to or received from either myself or my insurance company any sum of
	money as a result of this accident and that I have not released the said
***	Anna Mae Davis by agreement or otherwise from this claim, and no
	court has given judgment against me as a result of this accident.
	IN WITNESS WHEREOF, I HEREUNIO SET MY HAND THIS 16 DAY OF December, 19 60
	SIGNED T. A. Hall, Sr.
	SWORN TO AND SUBSCRIBED BEFORE ME THIS 16 DAY OF December , 19 60 .
	MY COMMISSION EXPIRES: 2-1-62 Laurees W. Jones
	NOTARY PUBLIC
	RETURN TO: Department of Public Safety, Motor Vehicle Safety Responsibility Unit, P. O. Box 1471, Montgomery, Alabama.
	**Damages must be shown in dollars and cents in a definite amount and you may be required to submit proof of loss. **If sworn to by a person other than injured party, show relationship to injured party.

Thomas Ausphera Hall, Sr. Stockton Alabama

STATE OF ALABAMA
Department of Public Safety
Driver License Division
P. O. Box 1471
Montgomery, Alabama

DEC 19 1960
SAFETY RESP. UNIT

cb

December 7, 1960

In reply refer to:
Accident Case No. 60-29,975
Date of Accident 11/4/60
Place of accident Baldwin.

This will acknowledge receipt of your report of the above captioned accident.

If a settlement has not been made and if you are claiming damages as a result of this accident, you may execute the affidavit on the reverse side of this letter and return it to this office.

If the affidavit on the reverse side of this letter is not returned to this office WITHIN TEN (10) DAYS, we will assume that you are not making a claim for damages and will process the records of this accident accordingly.

Yours very truly,

Les Wallace, Capt.

Safety Responsibility Unit

IMPORTANT**IF YOU ARE MAKING A CLAIM FOR DAMAGES, THE AFFIDAVIT ON THE REVERSE SIDE OF THIS FORM MUST BE FULLY COMPLETED OR IT WILL NOT BE PROCESSED BY THIS UNIT.

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MAIL THIS REPORT TO

DEPARTMENT USE ONLY

DRIVERS LICENSE DIVISION—SAFETY RESPONSIBILITY UNIT P. O. BOX 1471, MONTGOMERY, ALABAMA (READ PAGE 2, BEFORE COMPLETING REPORT)

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Vehicle	Driver					Owner of Vehicle	Anna A	Mae Davi	S		
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Your Em	ployer—Nan	ne Bao	on - Mo	Millia	<u>n</u>	Addres	s Stock	ton, Al	a		· · · · · · · · · · · · · · · · · · ·
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MAIL THIS REPORT TO

DEPARTMENT USE ONLY

DRIVERS LICENSE DIVISION—SAFETY RESPONSIBILITY UNIT P. O. BOX 1471, MONTGOMERY, ALABAMA (READ PAGE 2, BEFORE COMPLETING REPORT)

The state of the s	REPORT)
Date of Accident November 4, 1960 How	A M 4:45 P. M. NOV 15 1960
and the control of th	and the same of the Committee of the same
Accident Ala. 59 N	City or Town
Total No. of County Vehicles Involved 2 Accident Occ	erred Baldwin 60-29,975
YOUR VEHICLE	OTHER VEHICLE
YOUR VEHICLE	
Driver Lee O. Catrett Print Full Name	Driver Thomas Ausphera Hall, Sr.
Driver's Address Star Rt. Box 88 Street and Number	Driver's Address Street and Number
Bay Minette, Ala. W M	Stockton. Ala. W M
City State Race Sex Driver's Date of	City State Race Sex
License Birth	Driver's Date of License 0422902 Ala. Birth 2 22 02
Number & State Mo. Day Year Owner of Anna M. Davis	Number & State Mo. Day Year Owner of Vehicle Driver
Owner's Address 1968 Duncan St.	Owner's Address
which was a constraint and Number and second	Street and Number
Mobile, Ala. W F City State Race Sex	City State Race Sex
Your Vehicle 1959 Oldsmobil Body Fordor Make & Year	Other Vehicle 1950 Ford Body Pickup
Vehicle -4757 0 1961 Motor 597H0927 Vear State Number	Vehicle 60 Ala.5H1541 Motor License 60 Ala.5H1541 Number
and the control of th	Year State Number
Garage Estimate on Cost of Repairs \$ 425.00	Approximate Cost of Repairs \$ 25.00
Your Employer-Name Mr. Pete Gulas Gulas Enterprise	Address Mobile, Ala.
Damage to Property Other Than Vehicles	Estimated Cost of Repairs \$
Owner's Commence of the Commen	Owner's Address
INJURIES AND DEATHS	CAUSED BY THE ACCIDENT
NameNone	U Driver Vehicle:
Address	☐ Pedestrian ☐ Other☐ Specify Other
Age Did Injured Die?	Attended by Doctor—Yes No
Name	☐ Driver Vehicle:
	□ Passenger □ Your
Address	☐ Pedestrian ☐ Other☐ Specify Other☐
Age Sex Did Injured Die?	Attended by Doctor—Yes 🗀 No 🛘
	INFORMATION
Was your vehicle qualified as a Carrier with APSC?	Yes □ No □ ^X APSC Plate No
Has a certificate of self-insurance been issued by the Dept. for your vehicle?	
Was an Automobile Liability Policy Yes Boston Insu	
in so iii in name of Company and comple	te all the following insurance information
this Report November 14, 1960 275	CICAL IPPOR

___SIGN HERE



STATE OF ALABAMA DEPARTMENT OF PUBLIC SAFETY DRIVERS LICENSE DIVISION SAFETY RESPONSIBILITY UNIT

P. O. Box 1471

MONTGOMERY, ALABAMA

Accident Case No.

60 - 29,975

Thomas Ausphera Hall Stockton, Alabama

Date of Accident

11-4-60

Place of Accident

Bay Minette, Alabama

Notice

As a result of the above referred to motor vehicle accident in which you or a motor vehicle owned by you were involved, you have become subject to the Alabama Motor Vehicle Safety Responsibility Ľaw.

- (1) If there was in effect at the time of the accident a standard provisions automobile liability policy insuring your liability for damages resulting from the accident, you must secure at once from the insurance agent or company a notice to that effect, (Form SR 21), and send it to this Unit with this letter. If you file Form SR 21 you are relieved of furnishing security, and you should disregard the remainder of this letter.
- (2) If you are unable to comply with paragraph (1) above, then you are required on or before the effective date of the below order of suspension.
 - (a) To deposit cash, certified check, surety bond or negotiable securities in the amount of \$ 409.00 with the Department of Public Safety, Safety Responsibility Unit, as security to satisfy any judgment or judgments for damages resulting from the accident.
 - (b) Or to submit to the Department of Public Safety, Safety Responsibility Unit, a notarized release for damages from all persons injured, whether a pedestrian, an occupant of your vehicle or any other vehicle involved in the accident, and from all persons whose property was damaged in excess of fifty dollars (\$50.00), which may be a general release or a conditional release based on an agreement to pay an agreed amount in installments.

Order of Suspension

In the event of your failure to comply with the provisions of law, YOU ARE ORDERED to forward to the Department of Public Safety, Safety Responsibility Unit, on or before the effective date of this order, the following numbered license, registration certificate and plate, and all other licenses, registration certificates and plates issued in your name. The herein suspension is ordered in accordance with the provisions of 1951 Alabama Motor Vehicle Safety Responsibility Act 704, Section 5, Sub-section (b).

January 12, 1961 Date of Suspension

Driver's License Numbered 0422902

Registration Certificate(s) and Plate(s) Numbered 5H1541 and all registration certificates and license plates registered in your name or owned by you.

Date Issued December 21, 1960

FLOYD H. MANN, DIRECT

BY: GEORGE WALLACE, CAPT. Mail driver's license(s), registration certificate(s), and registration plate(s) to: Department of Public Safety, Drivers License Division, Safety Responsibility Unit, P. O. Box 1471, Montgomery, Ala.

(OVER)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
28TH JUDICIAL CIRCUIT
NO. 4581

THOMAS AUSPHERA HALL,

APPELLANT

VS.

FLOYD MANN, AS DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, STATE OF ALABAMA,

APPELLEE

FEB 9 1961

ALUE L DUCK CLERK REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon the Director of the Department of Public Safety, State of Alabama, 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 Thomas Ausphera Hall.

Witness my hand, this 2 day of January, 1961.

· 6/1. - 2-3-61...

STATE OF ALABAMA Acting by and through the Director of the Department of Public Safety,

Plaintiff - Appellee

٧S

THOMAS AUSPHERA HALL,

Defendant - Appellant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4581

APPEAL

Comes now Thomas Ausphera Hall and shows unto the Court as follows:

l.

That on the 21st day of December, 1960, the Director of the Department of Public Safety of the State of Alabama, issued an order, to become effective January 12, 1961, suspending the drivers license and registration plates of the Appellant. Your Appellant now comes and makes this his appeal to the Circuit Court of Baldwin County, Alabama, the place of his residence, as is provided for in the 1940 Code of Alabama, Title 36, Section 74 (43).

The Defendant avers further that this revocation is based on the following facts and circumstances:

That on or about November 4, 1960, the Appellant was driving his automobile along a public highway in Baldwin County, Alabama, and that he was driving in accordance with the "rules of the roads". That Lee "Buckshot" Catrett, who was driving an automobile in the

same direction as the Appellant, ran into a post or barrier on the left side of the road and swerved back across the road into the side and rear of the Appellant's automobile. The Appellant avers further that Lee "Buckshot" Catrett was wholly at fault in causing this accident.

Your Appellant says that as a result of this accident, the Department of Public Safety sent him a notice which reads, in part, as follows:

As a result of the above referred to motor vehicle accident in which you or a motor vehicle owned by you were involved, you have become subject to the Alabama Motor Vehicle Safety Responsibility Law.

(1) If there was in effect at the time of the accident a standard provisions automobile liability policy insuring your liability for damages resulting from the accident, you must secure at once from the insurance agent or company a notice to that effect, (Form SR 21), and send it to this Unit with this letter. If you file Form SR 21 you are relieved of furnishing security, and you should disregard the remainder of this letter.

- (2) If you are unable to comply with paragraph (1) above, then you are required on or before the effective date of the below order of suspension.
- (a) To deposit cash, certified check, surety bond or negotiable securities in the amount of \$409.00 with the Department of Public Safety, Safety Responsibility Unit, as security to satisfy any judgment or judgments for damages resulting from the accident.
- (b) Or to submit to the Department of Public Safety, Safety Responsibility Unit, a notarized release for damages from all persons injured, whether a pedestrian, an occupant of your vehicle or any other vehicle involved in the accident, and from all persons whose property was damaged in excess of fifty dollars (\$50.00), which may be a general release or a conditional release based on an agreement to pay an agreed amount in installments.

Order of Suspension

In the event of your failure to comply with the provisions of law, YOU ARE ORDERED to forward to the Department of Public Safety, Safety Responsibility Unit, on or before the effective date of this order, the following numbered license, registration certificate and plate, and all other licenses, registration certificates and plates issued in your name.

The herein suspension is ordered in accordance with the provisions of 1951 Alabama Motor Vehicle Safety Responsibility Act 704, Section 5, Sub-section (b).

The Appellant says that he could not furnish the Department with a Form SR 21, is unwilling to deposit \$409.00 with the Department of Public Safety and has not yet been able to obtain release from Lee "Buckshot" Catrett.

The Defendant respectfully requests the Court to stay the order of the said Director pending an outcome of this appeal.

I. H. Hall

Before me, the undersigned authority, personally appeared Thomas Ausphera Hall, who is known to me, and who being byome first duly sworn, deposes and says that he has read the foregoing appeal and avers the matters stated therein are true and correct.

I. A. Hall

Sworn to and subscribed before me on this 3/ day of January, 1961.

Saller m Branch

APPEAL BOND

STATE OF ALABAMA

BAIDWIN COUNTY

We the undersigned acknowledge ourselves as security for the cost of the foregoing appeal and jointly and severally bind ourselves to pay The State of Alabama all cost accrueing in the foregoing appeal.

This the day of January, 1961.

1. A. / Hall

Janes H. M. Zuller

Boller M. Brandey

Filed and Approved this the 2 day of January, 1961.

Clerk of the Circuit Court, Baldwin County, Alabama

ORDER

This day came Thomas Ausphera Hall and files the foregoing verified petition in this Court and upon consideration of the same, the Court is of the opinion that he is entitled to a Stay of suspension order made by the Director of the Department of Public Safety in this cause. It is therefore ORDERED, ADJUDGED and DECREED that the suspension order issued by the Director of Public Safety revoking Thomas Ausphera Hall's driving licensesand registration plates be, and is, hereby stayed pending a Final Hearing of this cause.

This 2 day of January, 1961.

4581 State of ale_

2homas Ausphera Hall

Received 2 day of Jeb I served a gopy of the within Director of the Deportment By service on Public Sage 5.

TAYLOR WILKINS, Sheriff

	AND THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.	
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ALIGE A DUM CLERK REGISTER

ALABAMA	If you fail to give full info	DO NOT DETACH ormation below, it will be ass automobile liability insuran	sumed that you did not be	CASE NO.
Name of Company witto Cover Liability for	hich issued Insurance Polic Damage or Injury to other	ers Boston Insuran	ce Company	
Policy Period From 4 Date of Accident N	-29-60 ov. 11, 1960 mobile Type F Catrett Davis	to 4-29-61 In New order Year 19!	or Bay Minette 59 Motor No. 597H092° Address Star Rt.	95 51 , Ala. , Alabama
	•			 -

DO NOT DETACH THIS FORM SR-21

To: Drivers License Division Motor Vehicle Safety Responsibility Unit P. O. Box 1471 Montgomery, Alabama

The undersigned company advises that, with respect to the accident and the automobile liability policy reported on reverse side of this form, such policy conforms with requirements of the Motor Vehicle Safety Responsibility Act on reverse size of and such policy: WAS in effect X WAS NOT in effect □

Policy BFA 559551

Policy Period from 4/29/60

Name of Insurance Company Boston Insurance Company by

Estell Burke

To: Insurance Agent

If this subject was covered by liability insurance as stated in this form, please verify and return to this office at once. Failure to do so, will result in suspension of drivers license and license plates of this subject.