

705196

Emory C. Nelson

5057

JURY LIST - FALL SESSION - SEPT. 10, 1962

American
Food Co.

- ~~1. Barton, John Sr., Merchant, Bay Minette~~
- ~~2. Beasley, Newton P., Mechanic, Bay Minette~~
- ~~3. Roley, Willie, Carpenter, Bay Minette~~
- ~~4. Keuler, Jake W., Farmer, Loxley~~
- ~~5. Knowles, Kenneth, Brookley Field, Bay Minette~~
- ~~6. Klein, John P., Farmer, Elberta~~
- ~~7. Knowles, J. Frank, Clerk, Bay Minette~~
- ~~8. Stimpson, Carl, Clay Products, Fairhope~~
- ~~9. Steele, Ira, Mail Clerk, Fairhope~~
10. Sturges, Frank III, Alcoa, Spanish Fort
- ~~11. Tindal, Kendrick N., Contractor, Bay Minette~~
- ~~12. Tindall, Horace A., Farmer, Gulf Shores~~
- ~~13. Trawick, Cecil, Farmer, Stapleton~~
- ~~14. Singleton, Art, Public, Rosinton~~
- ~~15. Nelson, Martin, Cleaners, Fairhope~~
- ~~16. Pacey, Paul G., Farmer, Fairhope~~
- ~~17. Morse, Wilson W., Civil Service, Foley~~
- ~~18. McKibbin, W.G., Woodhaven Dairy, Fairhope~~
- ~~19. Bishop, George O., Merchant, Fairhope~~
- ~~20. Booth, Robert E., Laborer, Fairhope~~
21. Byrd, Claude, Newport, Bay Minette
22. Cabiness, Marvin, Laborer, Bay Minette
23. Carlisle, D.C., Newport, Bay Minette
- ~~24. Chandler, Sidney, Bank Clerk, Silverhill~~
- ~~25. Cooper, Claude, Farmer, Rosinton~~
- ~~26. Cooper, Nolan P., Merchant, Rosinton~~
- ~~27. Creamer, Henry, City Employee, Fairhope~~
- ~~28. Deloach, Percy, Farmer, Bay Minette~~
29. Good, John, Jr., Farmer, Elberta
- ~~30. Hammond, Walter W., Grocery, Robertsedale~~
- ~~31. Hastie, Joe H., Merchant, Stockton~~
- ~~32. Hill, Calvin, Farmer, Belforest~~
- ~~33. Jackson, Thomas K., Farmer, Daphne~~
34. Johnson, Coy L., Laborer, Bay Minette
- ~~35. Jones, Clopton, Real Estate, Robertsedale~~
- ~~36. Kasuba, Stanley J., Insurance, Fairhope~~
- ~~37. Frank, George, Farmer, Elberta~~
- ~~38. Garner, Clifton, Carpenter, Bay Minette~~
- ~~39. Lunsford, Albert A., Teacher, Foley~~
40. McClain, Cecil E., Elec Co., Robertsedale
- ~~41. York, D.W., Farmer, Foley~~
- ~~42. Tunstall, Solomon, Laborer, Stockton~~
- ~~43. Mund, Thos C., Fisherman, Gulf Shores~~
- ~~44. McDill, Sam C., Farmer, Bay Minette~~
- ~~45. Malone, Lawrence L., Automobile Dealer, Bay Minette~~
46. Beasley, Wilson C., Store Owner, Bay Minette
- ~~47. Noonan, Edward D., Jr., Newport, Bay Minette~~
- ~~48. Stuart, Harold, Cleaners, Bay Minette~~
49. Langham, Tommy M., Merchant, Bay Minette
- ~~50. Foster, Walter H., Ford Dealer, Bay Minette~~
51. Friel, William E., Agriculture, Bay Minette
- ~~52. Moorner, Uhle S., Laborer, Bay Minette~~
- ~~53. Duck, Horace Harold, Laborer, Bay Minette~~
54. Powell, Shirley, Post Office, Bay Minette
- ~~55. Hodges, Willie Lee, Sawmill, Bay Minette~~

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ALABAMA HIGHWAY PATROL

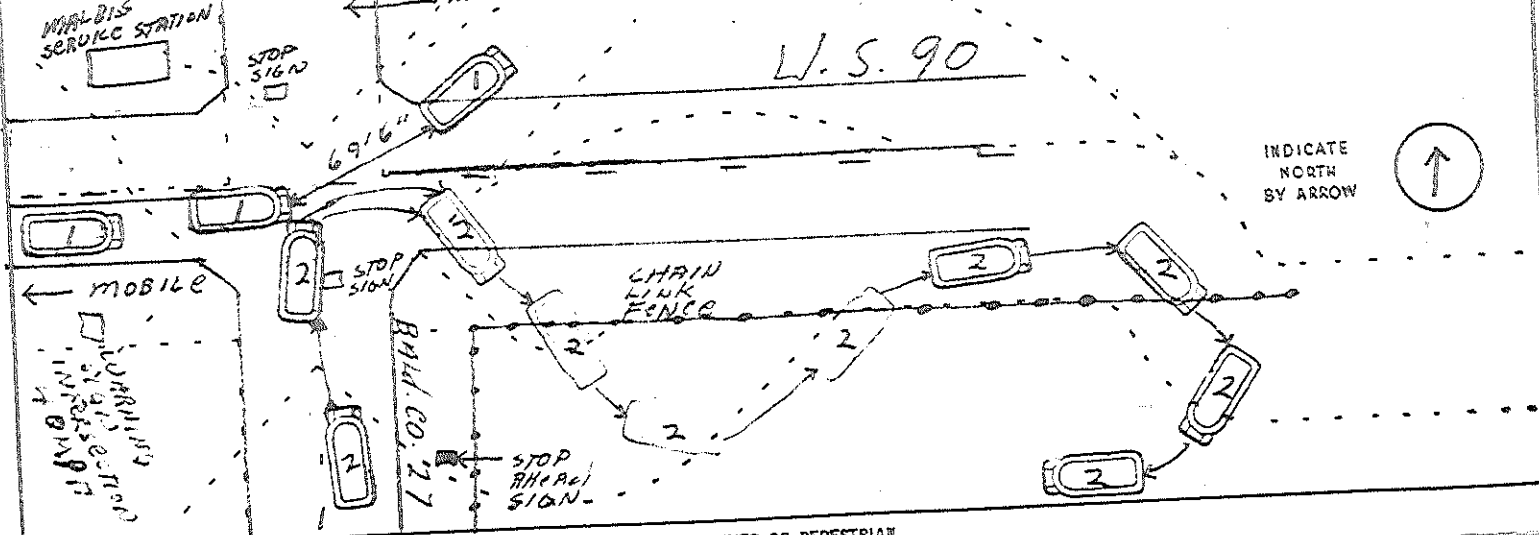
ACCIDENT INVESTIGATION REPORT

DEC 14 1961

LOCATION OF ACCIDENT		CITY		COUNTY	
RURAL		BALDWIN		BALDWIN	
Miles North Miles South Miles East Miles West		MOBILE		Indicate exact mileage, using two mileages and two directions if necessary.	
ACCIDENT OCCURRED ON: 11.5.90		Give name of street or alley or highway number. (U. S., State, County). If no highway number, identify by name.		TIME OF ACCIDENT	
At intersection with: BALDWIN CO. # 27		Give name of street or alley or highway number. (U. S., State, County). If no highway number, identify by name.		Date: DEC 8 1961	
OR		Name (or otherwise identify) nearest intersecting street, house number, power or telephone pole (give number), highway, curve, bridge, railroad crossing, filling station, alley, driveway, culvert, guard-rail, mile post, underpass, overpass, or identifying landmark. Show exact distance, using two directions and distances if necessary. See diagram for further detail.		Hour: 6:50 A.M. P.M.	
[] Not at intersection		[] R.R. train [] Street car [] Animal-drawn vehicle [] Bicycle [] Fixed object		[] Standard [] Daylight saving	
[] Pedestrian [] Other motor vehicle		[] Overturned in roadway [] Ran off roadway [] Other non-collision (tell from veh., fire, etc.) [] Other (explain in Remarks)		Registration: 1962 2421897 ALA	
INVOLVED: [] Animal (ridden, herded, unattended)		1. 1958 INTERNATIONAL 1 1/2 TON VAN TRUCK		Amount of damage to this vehicle: \$2000.00	
Year and Make		Type (such as sedan, cab, truck, bus, etc. Describe trailer, if any).		State	
Direction: EAST		On: U.S. 90		Color: BLACK	
North, E., W., etc.		Street name, highway No., alley, driveway, etc.		Street, city and state address	
Driven by: WHITT SHIELDS		Name		Occupation: TRUCK DRIVER	
Day: 03 Month: 09 Year: 24 Sex: M.		Driving license: ALA 0688347		Describe type, such as regular, junior, etc.	
Birth Date		Address: 131 NEW JERSEY ST. MOBILE ALA		Maximum safe speed under conditions prevailing: 40 m.p.h.	
Downed by: AMERICAN FOODS INC.		Distance vehicle traveled after impact: 69' 6"		Lawful speed: 40 m.p.h.	
Speed before accident: 55 m.p.h.		Speed at moment of accident: 45 m.p.h.		Registration: 1962 5BUS1704 ALA	
I. C. C. Permit No.		Amount of damage to this vehicle: \$1500.00		State	
2. 1961 CHEVROLET SCHOOL BUS		Type (such as sedan, cab, truck, bus, etc. Describe trailer, if any).		Color: WHITE	
Year and Make		On: BALDWIN CO. # 27		Street, city and state address	
Direction: NORTH		Street name, highway No., alley, driveway, etc.		Occupation: SCHOOL BUS DRIVER	
North, E., W., etc.		Street, city and state address		Color: WHITE	
Driven by: EMERY GAVIN NELSON		Name		Occupation: SCHOOL BUS DRIVER	
Day: 31 Month: 5 Year: 25 Sex: M.		Driving license: ALA 0367097		Describe type, such as regular, junior, etc.	
Birth Date		Address: 1210 RANDALL AVE DAPHNE ALA		Maximum safe speed under conditions prevailing: STOP m.p.h.	
Downed by: BALDWIN CO. BOARD OF EDUCATION		Distance vehicle traveled after impact: 16.50 Feet		Lawful speed: STOP m.p.h.	
Speed before accident: STOPPED		Speed at moment of accident: 5-10 m.p.h.		Registration: 1962 5BUS1704 ALA	
I. C. C. Permit No.		Amount of damage to this vehicle: \$1000.00		State	
Damage to all property other than vehicles		Name object, show ownership, and state nature and amount of damage		Address: 457 DELAWARE ST. MOBILE	
Total No. of Persons Injured: 2		1. Name: WHITT SHIELDS		Age: 37 Sex: M Color: C	
Nature of Injuries: LACERATION OF LOWER LIP		By whom: AMBULANCE SERVICE INC.		Was person killed? NO (Yes or no)	
Taken to: MOBILE GENERAL HOSPITAL		Address: 1210 RANDALL AVE DAPHNE		Veh. No. 1 [] Pedestrian [] Other	
2. Name: EMERY G. NELSON		Age: 56 Sex: M Color: W		Was person killed? NO (Yes or no)	
Nature of Injuries: BROKEN RIBS, CONTUSION OF EYE		By whom: HIGGINS AMBULANCE		Veh. No. 2 [] Pedestrian [] Other	
Taken to: THOMAS HOSPITAL		Address: MALBIS PLANTATION		Where was witness?	
Name: GEORGE MALBIS		Address: MALBIS PLANTATION		Where was witness?	
Address: MALBIS PLANTATION		Address: MALBIS PLANTATION		Where was witness?	
Where was witness? CN SERVICE STATION ACROSS ROAD		Where was witness?		Where was witness?	
ACTS OF PEDESTRIAN		MOVEMENT OF VEHICLES		VIOLATIONS INDICATED	
1. Crossing at intersection with signal		Vehicle 1 2 3		1. Exceeding lawful speed.	
2. Same—against signal.		[] [] [] 1. Making right turn.		2. Did not have right of way.	
3. Same—no signal.		[] [] [] 2. Making left turn.		3. On wrong side of road.	
4. Same—diagonally.		[] [] [] 3. Making "U" turn.		4. Drove through safety zone.	
5. Crossing not at intersection.		[] [] [] 4. Going straight ahead.		5. Passing standing street car.	
6. Coming from behind parked cars.		[] [] [] 5. Slowing or stopping.		6. Passing on hill.	
7. Walking in roadway (check two)		[] [] [] 6. Starting from traffic lane.		7. Passing on curve.	
[] a. With traffic.		[] [] [] 7. Starting from parked position.		8. Cutting in.	
[] b. Against traffic.		[] [] [] 8. Stopped in traffic lane.		9. Failing to signal or improper signal.	
[] c. Sidewalks available.		[] [] [] 9. Parked.		10. Improper turn—wide right turn.	
[] d. Sidewalks not available.		[] [] [] 10. Backing.		11. Same—cut corner on left turn.	
8. Standing in safety zone.		(Check applicable item)		12. Same—turned from wrong lane.	
9. Getting on or off street car.		[] [] [] 1. Overtaking		13. Disregarded traffic control. (See Traffic Control Schedule)	
10. Getting on or off other vehicle.		[] [] [] 2. Avoiding vehicle, object or pedestrian.		14. Improper starting from parked position.	
11. Working in roadway.		[] [] [] 3. Stopping		15. Other improper driving (explain).	
12. Playing in roadway.		[] [] [] 4. Stopping		16. No improper driving in.	
13. Hitching on vehicle.		[] [] [] 5. Stopping			
14. Not in roadway.		[] [] [] 6. Stopping			

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

INDICATE ON THIS DIAGRAM WHAT HAPPENED
MALDIS CUT-OFF



POINT OF IMPACT (Check one for each vehicle involved)		CONDITION OF DRIVER OR PEDESTRIAN (Check one or more for each Driver or Ped.)		Explain conditions	
Vehicle 1	Vehicle 2	Vehicle 1	Vehicle 2		
1 2 3	1 2 3	1 2 3	1 2 3		
☐ Front	☐ Left side	☐ 1. Physical defect	☐ 1. Had not been drinking		
☐ Right front	☐ Rear	☐ 2. Ill	☐ 2. Had been drinking		
☐ Left front	☐ Right rear	☐ 3. Fatigued	☐ a. Obviously drunk		
☐ Right side	☐ Left rear	☐ 4. Apparently asleep	☐ b. Ability impaired		
		☐ 5. Apparently normal	☐ c. Ability not impaired		
		☐ 6. Condition not known	☐ d. Not known whether impaired		
			☐ 3. Not known whether drinking		

TRAFFIC CONTROL	WEATHER CONDITION	LIGHT CONDITION	VEHICLE DEFECTS	VISION OBSCURED—HIGHWAY	VISION OBSCURED—VEHICLE
☐ 1. R. R. crossing gates. ☐ 2. R. R. automatic signal. ☐ 3. Officer or watchman. ☐ 4. Stop and go light. ☐ 5. Stop sign or signal. ☐ 6. Warning sign or signal. ☐ 7. Other <u>NO MPH</u> ☐ 8. No control present.	☐ 1. Clear. ☐ 2. Cloudy. ☐ 3. Raining. ☐ 4. Snowing. ☐ 5. Fog. ☐ 6. (Specify other)	☐ 1. Daylight. ☐ 2. Dusk. ☐ 3. Dawn. ☐ 4. Darkness: Street or highway lighted. ☐ 5. Darkness: Street or highway not lighted.	☐ 1. Defective brakes. ☐ 2. Steering mechanism. ☐ 3. Lighting equipment. ☐ 4. Tires. ☐ 5. Other defects. ☐ 6. No defects. (Explain fully in remarks)	☐ 1. Trees, crops, etc. ☐ 2. Building. ☐ 3. Embankment. ☐ 4. Signboards. ☐ 5. Parked cars. ☐ 6. Moving cars. ☐ 7. Hillcrest.	☐ 1. Rain, snow, etc. on windshield. ☐ 2. Windshield otherwise obscured. ☐ 3. Vision obscured by load on vehicle.

KIND OF LOCALITY	ROADWAY CHARACTER	ROAD SURFACE	ROAD CONDITIONS	ROAD WIDTH AND LANES AT PLACE OF ACCIDENT
Check one, indicating that 50% or more of the area alongside the street or road for 300 feet near the accident was: ☐ 1. Manufacturing and industrial district. ☐ 2. Shopping and business district. ☐ 3. Residential district. ☐ 4. School and playground district. ☐ 5. Open country. ☐ 6. (Specify other)	☐ 1. Straight road. ☐ 2. Sharp curve or turn. ☐ 3. Other curves. Vehicle (Check one for 1 2 3 each vehicle) ☐ 1. Level road. ☐ 2. Up grade. ☐ 3. Hillcrest. ☐ 4. Down grade.	☐ 1. Concrete. ☐ 2. Slag-Chert. ☐ 3. Asphalt. ☐ 4. Gravel. ☐ 5. Wood block. ☐ 6. Dirt, oiled. ☐ 7. Dirt, unoled. ☐ 8. Sand, oiled. ☐ 9. Sand, unoled. ☐ 10. (Specify other)	☐ 1. Dry. ☐ 2. Wet. ☐ 3. Muddy. ☐ 4. Snowy. ☐ 5. Icy. (Explain fully in remarks) Was road under construction or repair ☐ Yes ☒ No	1. What was roadway width (the width of pavement or road surface for vehicular traffic)? <u>23</u> 2. Total number of traffic lanes <u>2</u> Were lanes marked ☐ Yes ☒ No 3. Were opposing traffic lanes separated? ☐ Yes ☒ No 4. If so, by what? Describe

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

VEH #1 WAS HEADED EAST. VEH #2 WAS HEADED NORTH. VEH #2 STOPPED AT STOP SIGN & THEN PULLED INTO PATH OF VEH #1. VEH #1 HIT VEH #2 ON LEFT FRONT WHEEL SPINNING VEH #2 AROUND SO THAT VEH #2 WAS HEADED SOUTH AGAIN. VEH #2 CRASHED THROUGH A CHAIN LINK FENCE, RAN OVER SOME AZALEA BUSHES, KNOCKED DOWN A MAGNOLIA TREE, WENT THROUGH FENCE AGAIN, DOWN SHOULDER OF ROAD W.S. 90 BACK THROUGH FENCE AGAIN, ACROSS OAT FIELD & STOPPED AT HEDGE ROW. WILSON WRECKER SERVICE

Vehicle No. 1 removed to MOBILE
Vehicle No. 2 removed to LEFT AT SCENE - TO BE REMOVED BY SCHOOL MECHANIC CREW.

Show Arrests and Charges NONE
Name _____ Charge _____
Name _____ Charge _____

Investigation made 12-8-61 7:10 ☒ A.M. ☐ P.M.
at scene of Accident Date Hour

Time notified 12-8-61 7:00 ☒ A.M. ☐ P.M.
of Accident Date Hour

Where else was investigation made MOBILE GENERAL & THOMAS HOSPITALS

Investigator(s) and Badge No. Charles R. Hughes 46
Stationed at MOBILE
Is investigation complete? YES
Date of Report 12-8-61

The American Food Company, Inc.,	)	IN THE CIRCUIT COURT OF
a Corporation,	)	BALDWIN COUNTY, ALABAMA
Plaintiff	)	AT LAW:
V.	)	CASE NO. 5052
Emery G. Nelson,	)	5057
Defendant	)	

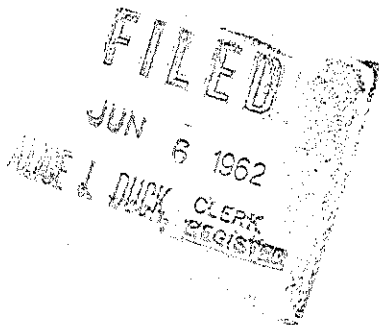
AMENDED PLEA

Comes now the defendant in the above styled cause and amends his plea filed heretofore to read as follows:

ONE: That he is not guilty of the facts alleged in the Bill of Complaint.

TWO: That the plaintiff was guilty of negligence at the time and place complained of in its complaint, which proximately contributed to its alleged damages in that the plaintiff by and through its duly authorized agent, servant or employee, Whitt Shields, who was then and there acting within the line and scope of his employment, so negligently operated the motor vehicle of the plaintiff as to cause or allow the same to run into, upon or against the motor vehicle which was then and there being driven by the defendant, hence the plaintiff should not recover.

John D. Duck
Attorney for Defendant



THE AMERICAN FOOD COMPANY, INC.,
a Corporation,

Plaintiff,

Vs.

EMERY G. NELSON,

Defendant

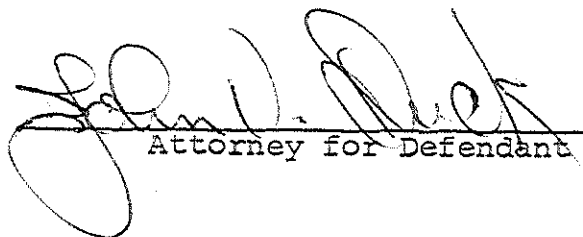
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

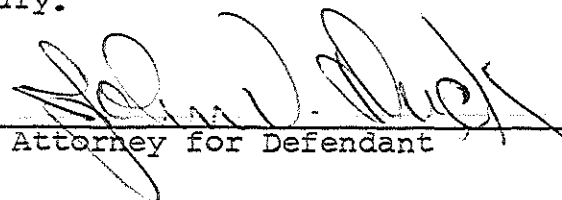
PLEA

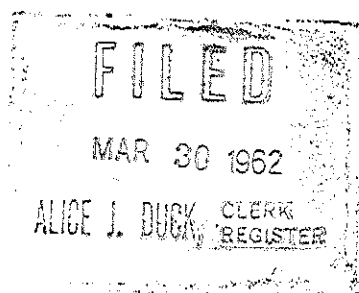
Comes now the Defendant in the above styled cause, and
for Plea to the bill of complaint filed herein says:

1. That he is not guilty of the facts therein alleged.


Attorney for Defendant

Defendant demands a trial by Jury.


Attorney for Defendant



5057 *per*

THE AMERICAN FOOD COMPANY, INC
A Corporation,

Plaintiff

vs.

EMERY G. NELSON,

Defendant

Plea

Handwritten signature

Handwritten signature

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Emery G. Nelson 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 same, then and there to answer the complaint of The American Food Company, Inc., a Corporation.

Witness my hand this 26 day of February, 1962.

Alice J. Duck
Clerk

THE AMERICAN FOOD COMPANY, Inc., X
a Corporation, X

Plaintiff, X

vs. X

EMERY G. NELSON, X

Defendant. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

5057

COUNT ONE:

The Plaintiff claims of the Defendant the sum of One Thousand Eight Hundred Dollars (\$1,800.00) as damages for that, on to-wit: December 8, 1961, at or about 7:00 O'clock A. M., at the intersection of Highway 90 and Belforest Road, at Malbis, in Baldwin County, Alabama, the Defendant so negligently operated a motor vehicle, to-wit: a school bus, as to cause or allow it to collide with a motor vehicle owned by the Plaintiff and as a proximate result of the negligence of such Defendant the motor vehicle owned by the Plaintiff was rendered a total loss; to the damage of the Plaintiff in the sum above mentioned, hence this suit.

CHASON & STONE

FILED

FEB 26 1962

ALICE J. DUCK, CLERK
REGISTER

EX-3-9-62

By: *John Earle Chason*
Attorneys for Plaintiff

249

5057

THE AMERICAN FOOD COMPANY, Inc.,
a Corporation,

Plaintiff,

vs.

EMERY G. NELSON,

Daphne, Ala. Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

SUMMONS AND COMPLAINT

FILED

FEB 26 1962

ALICE J. DUCK, CLERK
REGISTER

CHASON & STONE

ATTORNEYS AT LAW

BAY MINETTE, ALABAMA

Received 26 day of Feb 1962

and on 9 day of March 1962

I served a copy of the within Doc

on Emery G. Nelson

By service on _____

TAYLOR WILKINS, Sheriff

By W. C. Garner D. S.

Daphne

Sheriff claims 54 miles at

Ten Cents per mile Total \$ 5.40

TAYLOR WILKINS, Sheriff

BY Garner
DEPUTY SHERIFF

WE THE JURY FIND FOR
THE PLAINTIFF IN THE
AMOUNT OF \$1600⁰⁰

Frank Sluggs III