DAISY MAE TATE, a Minor, suing by her father and next friend, Hezekiah D. Tate,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
	)	AT LAW. NO. 1925
ELVIN M. WIGGINS,	)	
Defendant.	)	

PLEA

Now comes the defendant and for answer to the complaint in this cause, says:

1. Not guilty.
2. The allegations of the complaint are untrue.

J. B. Blackburn

Attorney for defendant.

1925 RECORDED

DAISY MAE TATE, a Minor, suing by her father and next friend, Hezekiah D. Tate,

Plaintiff,

VS.

ELVIN M. WIGGINS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO.*****

FILED

FEB 16 1953.

ALICE J. DICK, Clerk

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Elvin M. Wiggins to appear within thirty days from 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 Daisy Mae Tate, a minor, suing by her father and next friend, Hezekiah D. Tate.

WITNESS my hand this _____ day of February, 1953.

_____

Clerk.

* * * * * * * * * * * * *

COMPLAINT

DAISY MAE TATE, a Minor, suing by her father and next friend, Hezekiah D. Tate, Plaintiff, VS. ELVIN M. WIGGINS, Defendant.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW. NO. _____

The plaintiff, Daisy Mae Tate, a minor, suing by her father and next friend, Hezekiah D. Tate, claims of the defendant Five Hundred Dollars ($500.00) as damages for that on, to-wit, the 16th day of October, 1952, the plaintiff was crossing a public road or highway near Fairhope in Baldwin County, Alabama, at or near the place where the Klumpp Dairy road intersects the Greeno road, and then and there the defendant negligently drove a truck into, over or against the plaintiff and by reason thereof and as a proximate result and consequence thereof, the plaintiff received severe personal injuries in this, to-wit: Her right leg was broken above the knee and one collarbone was broken; she was made sick, sore and lame; she was bruised and

lacerated, and suffered and continues to suffer great mental anguish and physical pain, for all of which she claims damages as aforesaid; hence this suit.

Jeffrie J. Mallbury Jr.
Attorney for plaintiff.

1925 RECORDED

SUMMONS AND COMPLAINT

DAISY MAE TATE, a Minor, suing by her father and next friend, Hezekiah D. Tate,

Plaintiff,

VS.

ELVIN M. WIGGINS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. _____

Filed 2-16-53
Aris French
Clerk

Dasie Mae Tait, a Minor, suing by her father and next friend, HEZEKIAH D. TAIT,	)	IN THE
VS.	)	CIRCUIT COURT OF BALDWIN COUNTY,
Elvin M. Wiggins.	)	ALABAMA. February 16, 1952.

HON. H. M. HALL, JUDGE OF THE TWENTY EIGHTH JUDICIAL CIRCUIT, PRESIDING:

PRESENT: Hon. Telfair J. Mashburn, Jr. Representing Plaintiff,

Hon. J. B. Blackburn, representing Defendant.

DASIE MAE TAIT, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Direct Examination by Mr. Mashburn.

Q. Is you name Dasie Mae Tait?

A. Yes, sir.

Q. How old are you?

A. I is 9.

Q. Do you go to school?

A. Yes, sir.

Q. What grade are you in?

A. Fourth.

Q. You are the one that was hit by a truck near Mr. Klumpp's dairy?

A. Yes, sir.

Q. Near Fairhope?

A. Yes, sir.

Q. Tell us just what happened?

A. I got off the school bus and went across to my mamma's mail box and went and looked in the mail box and stood there by the mail box and a man was coming down the road and hit me and knocked me down in the road.

Q. You were standing on the side of the road?

A. Yes, sir.

Q. You were not in the road?

A. No, sir

Q. This truck swung around and hit you?

A. Yes, sir.

Q. What injuries did you have?

A. I don't know.

Q. Broke your leg?

A. Yes, sir.

Q. Broke your shoulder?

A. Yes

Q. Your arm is all right now?

A. Yes, sir, but every time I holds it up high it hurts.

Q. Your leg - you walk all right?

A. Yes.

Q. You had a cut up on the side of your head there?

A. No, sir.

Q. You can walk?

A. Yes, sir.

Q. Do you remember what day this was that that happened?

A. No, sir.

Q. Was it last year before Christmas?

A. Yes, sir.

Q. And since school started this past year, wasn't it?

A. Yes, sir.

NO CROSS EXAMINATION.

HEZEKIAH D. TAIT, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Mashburn.

Q. State your name to the Judge?

A. Hezekiah D. Tait.

Q. You are the father of Dasie Mae Tait?

A. Yes, sir.

Q. Do you recall the date this accident happened, Hezekiah?

A. I believe it was the 6th day of October.

Q. Was it the 6th or the 16th day of October?

A. I'm not positive.

Q. It was in October? This past school year, 1952?

A. Yes, sir.

Q. Where did the accident happen?

A. Out east of Fairhope.

Q. In Baldwin County, Alabama?

A. Yes, sir.

Q. You were not present and don't know anything about how the accident happened?

A. No, sir.

Q. What injuries did your daughter suffer?

A. Hea d and shoulder and she speaks about hear head hurting.

Q. How long was she under the Doctor?

A. Six or eight weeks.

Q. Has he discharged her?

A. Yes, sir.

Q. She seems to have recovered the use of her leg and arm?

A. Yes, sir.

ON CROSS EXAMINATION BY MR. BLACKBURN:

Q. That is where the Klumpp Dairy Road comes into the Greeno Road, wasn't it?

A. Yes, sir.

I hereby certify that the foregoing is a true and correct TRANSCRIPT of the evidence taken before Judge H. M. Hall by me in the above styled cause on the 16th day of February, 1953.

M Official Court Reporter, 28th Judicial Circuit of Alabama.

1925