

MELVIN E. RICE, a minor,
by John R. Rice, his
next friend,

Plaintiff

vs.

JOHNNIE CHARLES RICE,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW

AGREED STATEMENT OF FACTS

Now comes the plaintiff and the defendant in the above styled cause and agree that the following is a true and correct statement of the facts in said case;

On July 22, 1954, Johnnie Charles Allen, the defendant in this cause was driving a pick-up truck along highway 89 in a northerly direction. He was about .2 of a mile South of the City limits of Fairhope, Alabama. The zone in which he was driving had a forty mph speed limit. At the same time and the same place there were trucks approaching the defendant, said trucks being driven southwardly along highway 89. The plaintiff, Melvin E. Rice, who is twelve years old, was playing in the road behind the oncoming trucks, and at the time the last oncoming truck met and passed the defendant, the plaintiff ran from behind the oncoming truck and into the defendant's line of traffic. At the time the defendant was driving at a speed not in excess of 25 mph. When the plaintiff ran into the defendant's line of traffic, the defendant immediately applied his brakes and cut to the right to avoid the plaintiff, but was unable to do so. The plaintiff suffered by reason of the accident, said accident being unavoidable, slight bruises and a broken leg. The plaintiff was taken to the Jordan Clinic in Fairhope, Alabama and treated for his bruises and his leg was set. The leg healed successfully and no permanent disabilities resulted.

John R. Rice, who filed suit is the next friend of Melvin E. Rice, is the father of the plaintiff.

The above being a true and correct statement of the facts in this case, it is hereby agreed upon as such by the parties hereto.

MELVIN E. RICE

BY John R. Rice
John R. Rice, his next friend

James C. Jones, Jr.
Attorney for Defendant

FILED

ALICE J. DUCK, Clerk

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT--IN LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Johnnie Charles Allen to appear within thirty (30) 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 Melvin E. Rice, a minor, by John R. Rice, his next friend.

Witness my hand on this 29 day of October, 1954.

Alice J. Duck
Clerk of Court

MELVIN E. RICE, a minor,
by John R. Rice, his
next friend,

Plaintiff

vs.

JOHNNIE CHARLES ALLEN,

Defendant

IN THE CIRCUIT COURT OF
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IN LAW

The plaintiff claims of the defendant, the sum of TWO HUNDRED FIFTY DOLLARS (\$250.00) for that on heretofore, to-wit: the 22nd day of July, 1954, the defendant so negligently operated a motor vehicle on Alabama Highway 89, a public road in Baldwin County, Alabama at a point approximately .2 of a mile South of the City of Fairhope, Alabama, as to cause or allow the same to run into, upon or against the plaintiff, who was a pedestrian, and as a proximate consequence and result of said negligence, the plaintiff suffered bruises and a broken leg all to the damage to the plaintiff as aforesaid, wherefore the plaintiff brings this suit and ask a judgment in the above amount.

MELVIN E. RICE

FILED

10-29-54

ALICE J. DUCK, Clerk

BY

John R. Rice
John R. Rice