

ELBERT JOSEPH MILLER, JR., a
minor, suing herein by his
next friend, MAE SMITH,

Plaintiff,

-Vs-

EDWARD A. WELCH, also known as
BUDDY FULLER,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

No. 4403

COUNT ONE

Plaintiff claims of the Defendant the sum of EIGHTY THOUSAND (\$80,000.00) DOLLARS, for that heretofore and on to-wit, March 17th, 1959, Plaintiff was an employee of the Defendant, working for the said Defendant on his ranch in Baldwin County, Alabama. Plaintiff avers that on said day and date Defendant negligently and knowingly employed or retained in his employment at said ranch an incompetent and inexperienced colored employee, to-wit, one Eugene (whose last name is unknown), a minor approximately fourteen years of age, and said employee did on said date, while acting within the line and scope of his authority as such employee, due to such incompetence and inexperience, so negligently operate a tractor on the ranch of the Defendant as to cause same to run into, on, over, against or upon the Plaintiff and as a proximate consequence of the negligence of the Defendant as aforesaid the Plaintiff was greatly injured in this, to-wit: his body was bruised and broken and he was made sick, sore and lame; he was caused to suffer mental and physical pain and anguish, still so suffers, and will so suffer in the future; he was caused to be confined to the hospital and to his bed for the care and treatment of said injuries; he was permanently injured, all as a proximate consequence of the negligence of the Defendant as aforesaid; hence this suit.

ROBERT T. CUNNINGHAM
Attorney for Plaintiff

Robert T. Cunningham

Plaintiff demands a trail by jury.

Robert T. Cunningham
ROBERT T. CUNNINGHAM

Defendant's address: Served through his attorney, Hon. J.B.
Blackburn, Bay Minette, Alabama.

FILED
MAR 9-1960
CLERK
ALICE J. DUCK, REGISTER

ELBERT JOSEPH MILLER, JR.,
a minor, suing herein by his
next friend, MAE SMITH,

Plaintiff,

VS.

EDWARD A. WELCH,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4203

DEMURRER

Now comes the defendant and for demurrer to the complaint
says:

1. It does not state a cause of action.

J. T. B. Blackburn
Attorney for defendant

FILED

APR 19 1960

ALICE L. DICK, CLERK
REGISTER

DEMURRER

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minor, suing herein by his next
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IN THE CIRCUIT COURT OF
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AT LAW

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CUNNINGHAM AND BOUNDS

ATTORNEYS AT LAW
1350 DAUPHIN STREET
P. O. BOX 4483

MOBILE, ALABAMA

ROBERT T. CUNNINGHAM
RICHARD BOUNDS

HEMLOCK 8-6188

March 9, 1960

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

Dear Mrs. Duck:

Will you please file the enclosed bill of complaint.

Please be sure that this is filed before March 17, 1960,
as the statute runs on that date.

Thank you very much for your cooperation.

Very truly yours,

CUNNINGHAM & BOUNDS

Richard Bounds
RICHARD BOUNDS

RB:lb

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. 4203

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Edward A. Welch, also known as Buddy Fuller

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-----

Edward A. Welch, also known as Buddy Fuller-----, Defendant---

by Elbert Joseph Miller, Jr., a minor suing herein by his next Friend, Mac Smith

-----, Plaintiff---

Witness my hand this 9th day of March 19 60

Archie J. Smith, Clerk

No. 4203

Page

The State of Alabama

Baldwin County

CIRCUIT COURT

ELBERT JOSEPH MILLER, JR.,

a minor, suing herein by his next friend

MAE SMITH

Plaintiffs

vs.

EDWARD A. WELCH, also known as

BUDDY FULLER

Defendants

Summons and Complaint

Filed 3-9-60 19

Alice J. Duck

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

March 9 1960

Sheriff

I have executed this summons

this 3-10-1960

by leaving a copy with

Edward Welch

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00.

TAYLOR WILKINS, Sheriff

BY Taylor Wilkins
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Edleigh Stearns Deputy Sheriff

Z. P. Pley