

STATE OF ALABAMA X
BALDWIN COUNTY X

TO ANY SHERIFF OF THE STATE OF ALABAMA,
GREETINGS:

You are hereby commanded to summon Louisville & Nashville Railroad Company, a corporation and John Doe, Richard Doe, John Roe and Richard Roe, whose names are to your plaintiff otherwise unknown as members of an L & N train crew to appear before the Circuit Court of Baldwin County, Alabama, at the place of holding the same and plead, answer or demur within thirty (30) days from service hereof to the complaint of G. L. Weekley.

Witness, this 25 day of March, 1965.

Alvin J. Luck
CLERK.

C O M P L A I N T.

G. L. WEEKLEY,
PLAINTIFF.

VS.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, a
corporation and JOHN DOE,
RICHARD DOE, JOHN DOE and
RICHARD ROE, whose names
are to your plaintiff otherwise
unknown as members of an L & N
train crew,

DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO: 6451.

COUNT ONE.

Plaintiff claims of the Defendants the sum of Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, as damages for that heretofore on, to-wit, the 29th day of March, 1964, the defendants negligently set fire to and damaged and destroyed, to-wit, 150 acres of timber, young trees, pulpwood, and blueberry bushes located on the lands of the plaintiff in Baldwin County, Alabama, of the value, to-wit Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, to plaintiff's great damage as aforesaid.

COUNT TWO.

Plaintiff claims of the defendants the sum of Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, as

damages for that heretofore on, to wit, the 29th day of March, 1964, the timber, young trees, pulpwood and blueberry bushes belonging to the Plaintiff on Plaintiff's 150 acres in Baldwin County, Alabama, was burned by reason of a fire communicated to it from the right of way of said defendants and the plaintiff alleges that said fire was caught by negligence of the defendants, in that it negligently allowed dry grass and combustible matter to accumulate on its said right of way, to which fire was communicated from the engine of said defendants, and thence to plaintiff's property, destroying it, to the damage of plaintiff as aforesaid.

COUNT THREE.

The plaintiff claims of the defendants the sum of Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, for that heretofore on, to wit, the 29th day of March, 1964, the defendant by the negligence of his agents, servants or employees while acting within the line or scope of their employment, who were then and there engaged in the operation of a train of cars and an engine upon defendant's railway track in Baldwin County, Alabama, negligently set fire to grass, debris or other inflammable substance located and situate on the right of way of said defendant and negligently allowed said fire to burn and cross on to the lands of said plaintiff in Baldwin County, Alabama, burning over 150 acres of the said lands and burning, damaging and destroying timber, young trees, pulpwood, and blueberry bushes of said plaintiff of the value of, to wit, Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars.

COUNT FOUR.

The plaintiff claims of the defendants the further sum of Twenty Thousand and No/100 (\$20,000.00) Dollars, as damages for that heretofore on, to wit, the 29th day of March, 1964, the defendant by the wilful or wanton actions of the said agents, servants or employees of said defendants while acting within the line or scope of their employment, who were then and there engaged in the operation of a train of cars and an engine upon

defendant's railway track in Baldwin County, Alabama, between the City of Bay Minette and the railroad station and Community of Perdido, Alabama, wilfully or wantonly threw from said train certain burning substances which were inflammable and which set fire to grass or debris situate on the right of way of said defendant and said defendant, its agents, servants or employees then and there operating said train, wilfully or wantonly allowed the fire so set to burn and proceed on to the lands of said plaintiff in Baldwin County, Alabama, and across said lands of said plaintiff damaging or destroying the timber, young trees, pulpwood and blueberry bushes, of said plaintiff situate thereon the 150 acres of the plaintiff.

COUNT FIVE.

Plaintiff claims of the defendants the sum of Twenty Thousand and No/100 (\$20,000.00) Dollars, as damages for that heretofore, on, to-wit, the 29th day of March, 1964, the defendants wilfully or wantonly set fire to and damaged and destroyed, to-wit, 150 acres of timber, young trees, pulpwood, and blueberry bushes located on the lands of the plaintiff in Baldwin County, Alabama, of the value, to wit, Twenty Thousand and No/100 (\$20,000.00) Dollars, to plaintiff's great damage as aforesaid.

TUCKER & HILDRETH

BY: 
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

TUCKER & HILDRETH

BY: 
ATTORNEYS FOR PLAINTIFF.

FILED

MAR 25 1965

ALICE L. DUCK, CLERK
REGISTER

GREETINGS:

from service hereof to the complaint of G. L. Weekley.

Alice D. Hook
CLERK.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW.

NO: 6457

CONT ONE.

COUNT TWO.

TUCKER AND HILDRETH
504 E. NASHVILLE
ATMORE, ALABAMA 36502

damages for that heretofore on, to wit, the 29th day of March, 1964, the timber, young trees, pulpwood, and blueberry bushes belonging to the Plaintiff on Plaintiff's 150 acres in Baldwin County, Alabama, was burned by reason of a fire communicated to it from the right of way of said defendants and the plaintiff alleges that said fire was caught by negligence of the defendants, in that it negligently allowed dry grass and combustible matter to accumulate on its said right of way, to which fire was communicated from the engine of said defendants, and thence to plaintiff's property, destroying it, to the damage of plaintiff as aforesaid.

COUNT THREE.

The plaintiff claims of the defendants the sum of Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, for that heretofore on, to wit, the 29th day of March, 1964, the defendant by the negligence of his agents, servants or employees while acting within the line or scope of their employment, who were then and there engaged in the operation of a train of cars and an engine upon defendant's railway track in Baldwin County, Alabama, negligently set fire to grass, debris or other inflammable substance located and situate on the right of way of said defendant and negligently allowed said fire to burn and cross on to the lands of said plaintiff in Baldwin County, Alabama, burning over 150 acres of the said lands and burning, damaging and destroying timber, young trees, pulpwood, and blueberry bushes of said plaintiff of the value of, to wit, Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars.

COUNT FOUR.

The plaintiff claims of the defendants the further sum of Twenty Thousand and No/100 (\$20,000.00) Dollars, as damages for that heretofore on, to wit, the 29th day of March, 1964, the defendant by the wilful or wanton actions of the said agents, servants or employees of said defendants while acting within the line or scope of their employment, who were then and there engaged in the operation of a train of cars and an engine upon

defendant's railway track in Baldwin County, Alabama, between the City of Bay Minette and the railroad station and Community of Perdido, Alabama, wilfully or wantonly threw from said train certain burning substances which were inflammable and which set fire to grass or debris situate on the right of way of said defendant and said defendant, its agents, servants or employees then and there operating said train, wilfully or wantonly allowed the fire so set to burn and proceed on to the lands of said plaintiff in Baldwin County, Alabama, and across said lands of said plaintiff damaging or destroying the timber, young trees, pulpwood and blueberry bushes, of said plaintiff situate thereon the 150 acres of the plaintiff.

COUNT FIVE.

Plaintiff claims of the defendants the sum of Twenty Thousand and No/100 (\$20,000.00) Dollars, as damages for that heretofore, on, to-wit, the 29th day of March, 1964, the defendants wilfully or wantonly set fire to and damaged and destroyed, to wit, 150 acres of timber, young trees, pulpwood, and blueberry bushes located on the lands of the plaintiff in Baldwin County, Alabama, of the value, to wit, Twenty Thousand and No/100 (\$20,000.00) Dollars, to plaintiff's great damage as aforesaid.

TUCKER & HILDRETH

BY: *[Signature]*
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

TUCKER & HILDRETH

BY: *[Signature]*
ATTORNEYS FOR PLAINTIFF.

FILED
MAR 25 1965
ALICE J. DICK, CLERK
REGISTRY

X

MEETINGS:

from service hereof to the complaint of G. L. Weekley.

Alice Duck
CLERK.

C O M P L A I N T.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT 200

NO: 6457

頁頁頁頁頁頁頁頁頁頁頁頁頁頁頁頁

COUNT ONE.

great damage as aforesaid.

CONT. TWO.

Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, as

damages for that heretofore on, to wit, the 29th day of March, 1964, the timber, young trees, pulpwood, and blueberry bushes belonging to the Plaintiff on Plaintiff's 150 acres in Baldwin County, Alabama, was burned by reason of a fire communicated to it from the right of way of said defendants and the plaintiff alleges that said fire was caught by negligence of the defendants, in that it negligently allowed dry grass and combustible matter to accumulate on its said right of way, to which fire was communicated from the engine of said defendants, and thence to plaintiff's property, destroying it, to the damage of plaintiff as aforesaid.

COUNT THREE.

The plaintiff claims of the defendants the sum of Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, for that heretofore on, to wit, the 29th day of March, 1964, the defendant by the negligence of his agents, servants or employees while acting within the line or scope of their employment, who were then and there engaged in the operation of a train of cars and an engine upon defendant's railway track in Baldwin County, Alabama, negligently set fire to grass, debris or other inflammable substance located and situate on the right of way of said defendant and negligently allowed said fire to burn and cross on to the lands of said plaintiff in Baldwin County, Alabama, burning over 150 acres of the said lands and burning, damaging and destroying timber, young trees, pulpwood, and blueberry bushes of said plaintiff of the value of, to wit, Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars.

COUNT FOUR.

The plaintiff claims of the defendants the further sum of Twenty Thousand and No/100 (\$20,000.00) Dollars, as damages for that heretofore on, to wit, the 29th day of March, 1964, the defendant by the wilful or wanton actions of the said agents, servants or employees of said defendants while acting within the line or scope of their employment, who were then and there engaged in the operation of a train of cars and an engine upon

defendant's railway track in Baldwin County, Alabama, between the City of Bay Minette and the railroad station and Community of Perdido, Alabama, wilfully or wantonly threw from said train certain burning substances which were inflammable and which set fire to grass or debris situate on the right of way of said defendant and said defendant, its agents, servants or employees then and there operating said train, wilfully or wantonly allowed the fire so set to burn and proceed on to the lands of said plaintiff in Baldwin County, Alabama, and across said lands of said plaintiff damaging or destroying the timber, young trees, pulpwood and blueberry bushes, of said plaintiff situate thereon the 150 acres of the plaintiff.

COUNT FIVE.

Plaintiff claims of the defendants the sum of Twenty Thousand and No/100 (\$20,000.00) Dollars, as damages for that heretofore, on, to-wit, the 29th day of March, 1964, the defendants wilfully or wantonly set fire to and damaged and destroyed, to-wit, 150 acres of timber, young trees, pulpwood, and blueberry bushes located on the lands of the plaintiff in Baldwin County, Alabama, of the value, to-wit, Twenty Thousand and No/100 (\$20,000.00) Dollars to plaintiff's great damage as aforesaid.

TUCKER & HILDRETH

BY: 
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

TUCKER & HILDRETH

BY: 
ATTORNEYS FOR PLAINTIFF.

FILED
MAR 25 1964
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA,
GREETINGS:

Witness, this 25 day of March, 1965.

~~CLERK~~

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW.

NO: 6457

DEFENDANTS.

Plaintiff claims of the Defendants the sum of Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, as damages for that heretofore on, to-wit, the 29th day of March, 1964, the defendants negligently set fire to and damaged and destroyed, to-wit, 150 acres of timber, young trees, pulpwood, and blueberry bushes located on the lands of the plaintiff in Baldwin County, Alabama, of the value, to-wit, Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, to plaintiff's great damage as aforesaid.

Plaintiff claims of the defendants the sum of Seven
Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, as

damages for that heretofore on, to-wit, the 29th day of March, 1964, the timber, young trees, pulpwood, and blueberry bushes belonging to the Plaintiff on Plaintiff's 150 acres in Baldwin County, Alabama, was burned by reason of a fire communicated to it from the right of way of said defendants and the plaintiff alleges that said fire was caught by negligence of the defendants, in that it negligently allowed dry grass and combustible matter to accumulate on its said right of way, to which fire was communicated from the engine of said defendants, and thence to plaintiff's property, destroying it, to the damage of plaintiff as aforesaid.

COUNT THREE.

The plaintiff claims of the defendants the sum of Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, for that heretofore on, to wit the 29th day of March, 1964, the defendant by the negligence of his agents, servants or employees while acting within the line or scope of their employment, who were then and there engaged in the operation of a train of cars and an engine upon defendant's railway track in Baldwin County, Alabama, negligently set fire to grass, debris or other inflammable substance located and situate on the right of way of said defendant and negligently allowed said fire to burn and cross on to the lands of said plaintiff in Baldwin County, Alabama, burning over 150 acres of the said lands and burning, damaging and destroying timber, young trees, pulpwood, and blueberry bushes of said plaintiff of the value of, to-wit, Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars.

COUNT FOUR.

The plaintiff claims of the defendants the further sum of Twenty Thousand and No/100 (\$20,000.00) Dollars, as damages for that heretofore on, to-wit, the 29th day of March, 1964, the defendant by the wilful or wanton actions of the said agents, servants or employees of said defendants while acting within the line or scope of their employment, who were then and there engaged in the operation of a train of cars and an engine upon

G. L. WEEKLEY,	Y		
Plaintiff,	Y	IN THE CIRCUIT COURT OF	
vs.	Y	BALDWIN COUNTY, ALABAMA	
LOUISVILLE & NASHVILLE RAILROAD	Y	AT LAW	NO. 6451
COMPANY, a corporation, and			
JOHN DOE, RICHARD DOE, JOHN DOE	Y		
and RICHARD ROE, whose names			
are to your plaintiff otherwise	Y		
unknown as members of an L & N			
train crew,	Y		
Defendants.	Y		

DEMURRER

Comes the Defendant, Louisville & Nashville Railroad Company, a corporation, and demurs to the Complaint filed in the above styled cause and to each and every count thereof, separately and severally, and assigns the following separate and several grounds, viz:

1. That said Complaint fails to state a cause of action.
2. That said Complaint is vague and indefinite.
3. That said Complaint fails to sufficiently describe the lands of the Plaintiff which were damaged.
4. That said Complaint fails to allege that the Defendant's negligence was the proximate cause of the Plaintiff's injury.
5. That said Complaint fails to allege any duty owing by the Defendant, Louisville & Nashville Railroad Company, to the Plaintiff.
6. That Count 2 of the Complaint fails to allege which Defendant negligently allowed dry grass to accumulate on its right-of-way.
7. That said Complaint fails to allege which Defendant owned the railroad right-of-way.

8. That said Complaint fails to allege what train owned by one of the Defendants caused the damage.

9. That the claim for injuries is not set out with sufficient certainty to apprise the Louisville & Nashville Railroad Company of what it is called upon to defend.

10. That Count 3 of the Complaint fails to allege which Defendant is the principal and which Defendants are its agents.

11. That Count 3 of the Complaint is not sufficiently definite as to the time of day or night that the alleged negligence is supposed to have occurred.

12. That said Complaint attempts to set out the quo modo of the negligence without setting out sufficient facts to establish negligence as a matter of law under the laws of the State of Alabama.


13. That Count 4 of the Complaint does not allege whose willful and wanton acts resulted in damage to the Plaintiff.

14. That Counts 4 and 5 of the Complaint fail to allege that the Defendants willfully injured the Plaintiff.

15. That Counts 4 and 5 of the Complaint fail to allege that the Defendant's willful and wanton negligence was the proximate cause of the Plaintiff's damages.

16. That the place where the negligence occurred is not sufficiently set out in the Complaint.

17. That the time when the negligence occurred is not sufficiently set out in the Complaint.


Attorneys for Defendant
Louisville & Nashville Railroad Company

FILED
APR 12 1965
ALICE L. DICK, CLERK
REGISTER

64-51

G. L. WEEKLEY,
Plaintiff,

-vs-

LOUISVILLE & NASHVILLE
RAILROAD COMPANY,
a corporation, ET AL.
Defendant.

DEMURRER

FILED
APR 12 1965
ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA X
BALDWIN COUNTY X

TO ANY SHERIFF OF THE STATE OF ALABAMA,
GREETINGS:

You are hereby commanded to summon Louisville & Nashville Railroad Company, a corporation and John Doe, Richard Doe, John Roe and Richard Roe, whose names are to your plaintiff otherwise unknown as members of an L & N train crew to appear before the Circuit Court of Baldwin County, Alabama, at the place of holding the same and plead, answer or demur within thirty (30) days from service hereof to the complaint of G. L. Weekley.

Witness, this 25 day of March, 1965.

Alice D. Clark
CLERK.

C O M P L A I N T.

G. L. WEEKLEY,
PLAINTIFF.
vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, a
corporation and JOHN DOE,
RICHARD DOE, JOHN DOE and
RICHARD ROE, whose names
are to your plaintiff otherwise
unknown as members of an L & N
train crew,

DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO: 6451.

COUNT ONE.

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COUNT TWO.

Plaintiff claims of the defendants the sum of Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, as

damages for that heretofore on, to-wit, the 29th day of March, 1964, the timber, young trees, pulpwood, and blueberry bushes belonging to the Plaintiff on Plaintiff's 150 acres in Baldwin County, Alabama, was burned by reason of a fire communicated to it from the right of way of said defendants and the plaintiff alleges that said fire was caught by negligence of the defendants, in that it negligently allowed dry grass and combustible matter to accumulate on its said right of way, to which fire was communicated from the engine of said defendants, and thence to plaintiff's property, destroying it, to the damage of plaintiff as aforesaid.

COUNT THREE.

The plaintiff claims of the defendants the sum of Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars, for that heretofore on, to-wit, the 29th day of March, 1964, the defendant by the negligence of his agents, servants or employees while acting within the line or scope of their employment, who were then and there engaged in the operation of a train of cars and an engine upon defendant's railway track in Baldwin County, Alabama, negligently set fire to grass, debris or other inflammable substance located and situate on the right of way of said defendant and negligently allowed said fire to burn and cross on to the lands of said plaintiff in Baldwin County, Alabama, burning over 150 acres of the said lands and burning, damaging and destroying timber, young trees, pulpwood, and blueberry bushes of said plaintiff of the value of, to-wit, Seven Thousand Three Hundred Fifty and No/100 (\$7,350.00) Dollars.

COUNT FOUR.

The plaintiff claims of the defendants the further sum of Twenty Thousand and No/100 (\$20,000.00) Dollars, as damages for that heretofore on, to-wit, the 29th day of March, 1964, the defendant by the wilful or wanton actions of the said agents, servants or employees of said defendants while acting within the line or scope of their employment, who were then and there engaged in the operation of a train of cars and an engine upon

defendant's railway track in Baldwin County, Alabama, between the City of Bay Minette and the railroad station and Community of Perdido, Alabama, wilfully or wantonly threw from said train certain burning substances which were inflammable and which set fire to grass or debris situate on the right of way of said defendant and said defendant, its agents, servants or employees then and there operating said train, wilfully or wantonly allowed the fire so set to burn and proceed on to the lands of said plaintiff in Baldwin County, Alabama, and across said lands of said plaintiff damaging or destroying the timber, young trees, pulpwood and blueberry bushes, of said plaintiff situate thereon the 150 acres of the plaintiff.

COUNT FIVE.

Plaintiff claims of the defendants the sum of Twenty Thousand and No/100 (\$20,000.00) Dollars, as damages for that heretofore, on, to-wit, the 29th day of March, 1964, the defendants wilfully or wantonly set fire to and damaged and destroyed, to-wit, 150 acres of timber, young trees, pulpwood, and blueberry bushes located on the lands of the plaintiff in Baldwin County, Alabama, of the value, to-wit, Twenty Thousand and No/100 (\$20,000.00) Dollars, to plaintiff's great damage as aforesaid.

TUCKER & HILDRETH

BY: 
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

TUCKER & HILDRETH

BY: 
ATTORNEYS FOR PLAINTIFF.

FILED

MAR 25 1965

ALICE I. DUCK, CLERK
REGISTER

64-3-29-65

CASE NO. 6451

G.L. WEEKLEY,

Plaintiff.

vs:

LOUISVILLE & NASHVILLE RAILROAD
COMPANY, A Corp. & JOHN DOE,
RICHARD DOE, JOHN DOE & RICHARD
ROE, whose names are to your
plaintiff otherwise unknown as
members of an L & N Train crew,

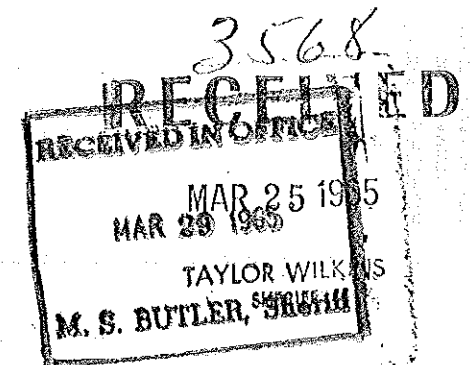
Defendants.

FILED

MAR 25 1965

ALICE J. DUCK, CLERK
REGISTER

TUCKER & HELDRETH
Attorneys at Law



EXECUTED BY SERVING A
COPY OF THE WITHIN

*Statutory agent for
Louisville & Nashville
Railroad Co.*

This the 29 day of Mar 1965

M. S. BUTLER

Sheriff Montgomery County

By

White
Deputy Sheriff

The Sheriff claims 2
miles at 10c per mile for a total
of \$2.00

M. S. Butler, Sheriff
Montgomery County, Ala.

ATTORNEYS AT LAW

TUCKER & HILDRETH

504 east nashville avenue . atmore, alabama . telephone 368-3199

J. R. TUCKER
EMMETT F. HILDRETH
March 23, 1965

Mrs. Alice J. Duck
Clerk of Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

I am herein enclosing the complaints I desire filed in this cause against the L&N Railroad, et al etc.

I would like to have immediate service on the L&N Railroad Corporation.

Examination of the records as reported by the Secretary of State Revealed that Honorable R.E. Steiner, III, First National Bank Building, Montgomery, Alabama, has been designated as the satutory agent of the Louisville and Nashville Railroad, and as such, the complaint against the L&N Corporation etc., may be forwarded to the sheriff of Montgomery County for service.

Sincerely,

TUCKER & HILDRETH

BY: Emmett F. Hildreth, Jr.

EFH/pjs

August 22, 1966

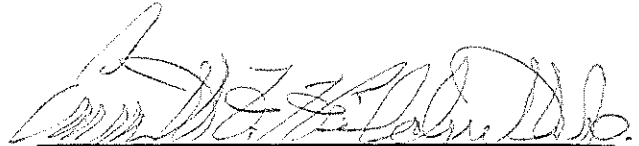
Judge of Circuit Court
Bay Minette, Alabama

Dear Sir:

Re: G. L. Weekley vs. L. & N.,
et al, No. 6451

The above case has been settled between the parties. Will you please dismiss the above case at the cost of the Defendant. Mr. Chason represents such Defendant and he will present this letter to you in order to obtain such dismissal.

Yours very truly,

A handwritten signature in dark ink, appearing to be "A. W. Chason", written over a horizontal line.

Attorney for Plaintiff