STATE OF ALABAMA X

TO ANY SHERIFF OF THE STATE OF ALABAMA,
BALDWIN COUNTY X

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 L. T. Weekley.

Witness, this 2 day of // (, 1965.

CLERK

COMPLAINT.

L. T. WEEKLEY.

PLAINTIFF.

W 3 3

ys.

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.

COUNT ONE.

Plaintiff claims of the Defendants the sum of Twenty-eight Hundred and No/100 (\$2800.00) 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, 50 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-eight Hundred and No/100 (\$2800.00) Dollars, to plaintiff's great damage as aforesaid.

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COUNT TWO.

Plaintiff claims of the defendants the sum of Twenty-eight Hundred and No/100 (\$2800.00) 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 50 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 Twenty-eight Hundred and No/100 (\$2800.00) 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 50 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, Twenty-eight Hundred and No/100 (\$2800.00) Dollars.

COUNT FOUR.

The plaintiff claims of the defendats the further sum of Six Thousand Six Hundred Fifty and No/100 (\$6,650.00) 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 50 acres of the plaintiff.

COUNT FIVE.

Plaintiff claims of the defendants the sum of Six Thousand Six Hundred Fifty and No/100 (\$6,650.00) 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, 50 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, Six Thousand Six Hundred Fifty and No/100 (\$6,650.00) 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

MAR 26 1003

erk

EV-3-29-6

AUTE 1 DUM SLEAK

L.T. WEEKLEY,

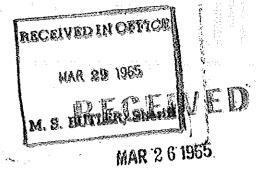
Plaintiff,

VS

LOUISVILLE & NASHVILLE RAILROAD CO.,
A Corp. & JOHN DOE, RICHARD DOE,
JOHN DOE & RICHARD ROE, whose names are
to km your Plaintiff otherwise unknown
as members of an L & N train crew,

Defendants.

Tucker & Hildreth Attorneys . . .



TAYLOR WILKINS
SHERIFE
EXECUTED BY SERVING A

COPY OF THE WITHIN

Statutory agent for the Louisville & Mashuille Poiling Co.

This the 29 day of Mac 1965.

M. S. BUTLER

Sheriff Montgomery County

The Sheriff claims.

miles at 10c per mile for a solut

of \$200

M. S. Butler, Speciff Montgomery Cowies, Ais. 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 L. T. Weekley.

Witness, this 26 day of Moreh, 1965.

COMPLAINT.

L. T. 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: 61/5-2.

COUNT ONE.

Plaintiff claims of the Defendants the sum of Twenty eight Hundred and No/100 (\$2800.60) 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, 50 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-eight Hundred and No/100 (\$2800.00) Dollars, to plaintiff's great damage as afcresaid.

COUNT TWO.

Plaintiff claims of the defendants the sum of Twenty eight Hundred and No/100 (\$2800.00) Dollars, as damages for that

heretofore on, to wit, the 29th day of March, 1964, the timber, young trees, pulpwood, and blueberry bushes belowing to the Plaintiff on Plaintiff's 50 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.

eight Eundred and No/100 (\$2806.00) 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 50 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, Twenty-eight Eundred and No/100 (\$2800.00) Dollars.

COUNT FOUR.

The plaintiff claims of the defendats the further sum of Six Thousand Six Hundred Fifty and No/100 (\$6.650.00) 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 50 acres of the plaintiff.

COUNT FIVE.

Plaintiff claims of the defendants the sum of Six Thousand Six Hundred Fifty and Nc/100 (\$6,650.00) 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, 50 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, Six Thousand Six Hundred Fifty and No/100 (\$6,650.00) Dollars, to plaintiff's great damage as aforesaid.

TUCKER & HILDRETE

BY: MANUEL STATES

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

TUCKER & HILDRETH

BY: U/// /// /// Ur/United

FILE DOWN SERVER

STATE OF ALABAMA X

BALDWIN COUNTY I TO ANY SEERIFF 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 L. T. Weckley.

Witness, the J day of May , 1965.

COMPLAINT.

L. T. WEEKLEY.

PLAINTIFF.

, a

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.

10: 450

COUNT ONE.

Plaintiff claims of the Defendants the sum of Twenty eight Eundred and No/100 (\$2800.00) 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. 50 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-eight Hundred and No/100 (\$2800.00) Dollars, to plaintiff's great damage as afcresaid.

COUNT TWO.

Plaintiff claims of the defendants the sum of Twenty eight Hundred and No/100 (\$2800.00) Dellars, 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 50 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 TERRE.

eight Eundred and No/100 (\$2800.00) 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 50 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, Twenty-eight Eundred and No/100 (\$2800.00) Dollars.

COUNT FOUR.

The plaintiff claims of the defendats the further sum of Six Thousand Six Hundred Fifty and No/100 (\$6,650.00) 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 50 acres of the plaintiff.

COUNT FIVE.

Plaintiff claims of the defendants the sum of Six Thousand Six Bundred Fifty and Nc/100 (\$6,650.00) 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, 50 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, Six Thousand Six Bundred Fifty and No/100 (\$6,550.00) Dollars, to plaintiff's great damage as aforesaid.

TUCKER & HILDRETH

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

TUCKER & HILDRETH

TUCKER AND HILDRETH TMORE, ALABAMA 36502 STATE OF ALABAMA X

BALDWIN COUNTY I 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 demar within thirty (30) days from service hereof to the complaint of L. T. Weekley.

Witness, the 26 day of Moreh. 1965

14 CLERKY

COMPLAINT.

L. T. WEEKLEY.

PLAINTIFF.

VS.

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

DEFERBANTS.

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

m: 6452.

COUNT ONE.

Plaintiff claims of the Defendants the sum of Twenty eight Hundred and No/100 (\$2800.00) 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, 50 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-eight Hundred and No/100 (\$2800.00) Dollars, to plaintiff's great damage as aforesaid.

COUNT TWO.

Plaintiff claims of the defendants the sum of Twenty eight Hundred and No/100 (\$2800.00) Dellars, as damages for that

heretofore on to wit, the 29th day of March, 1964, the timber, young trees, pulpwood, and blueberry busbes belonging to the Plaintiff on Plaintiff's 50 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 THINKS.

cight Eundred and No/100 (\$2800.00) 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 50 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, Twenty-eight Eundred and No/100 (\$2800.00) Dollars.

COUNT FOUR.

The plaintiff claims of the defendats the further sum of Six Thousand Six Hundred Fifty and No/100 (\$6,650.00) Dollars, as damages for that heretofore on, to wit, the 20th 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 50 acres of the plaintiff.

COUNT FIVE.

Plaintiff claims of the defendants the sum of Six Thousand Six Hundred Fifty and No/100 (\$6,650.00) Dollars, as damages for that heretofore, on, to wit, the 29th day of March, 1964, the defendants willfully or wantonly set fire to and damaged and destroyed, to-wit, 50 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, Six Thousand Six Hundred Pifty and No/100 (\$6,650.00) Dollars, to plaintiff's great damage as aforesaid.

TUCKER & HILDRETH

ATIONNIS TON PLATMETER.

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

TUCKER & BILDRETH

ATTOMNEYS FOR PLAINTIFF

AUG J. DUCK CLEAK RECORDED

STATE OF ALABAMA X

BALDWIN COUNTY I TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon Louisville & Mashville 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 as L & M 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 L. T. Weekley.

Titness, the 26 any or March, 1965.

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COMPLAINT.

L. T. WEEKLEY.

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PLAINTIFF.

VS.

LOUISVILLE & NASHVILLE RAILHOAD 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,

DEFEMBANTS.

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

W: 6452.

COUNT ONE.

Plaintiff claims of the Defendants the sum of Twenty eight Hundred and No/100 (\$2800.00) 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. 50 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-eight Hundred and No/100 (\$2800.00) Dollars, to plaintiff's great damage as aforesaid.

COUNT TWO.

Plaintiff claims of the defendants the sum of Twenty eight Hundred and No/100 (\$2800.00) Dollars, as damages for that

heretofore on to wit, the 29th day of Earch, 1964, the timber, young trees, pulpwood, and blueberry bushes belonging to the Plaintiff on Plaintiff's 50 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.

COME THREE.

The plaintiff claims of the defendants the sum of Twenty eight Eundred and No/100 (\$2800.00) 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 50 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, Twenty-eight Eundred and No/106 (\$2800.00) Dollars.

COUNT FOUR.

The plaintiff claims of the defendats the further sum of Six Thousand Six Bundred Fifty and No/100 (\$6,650.00) Dollars, as damages for that heretofore on, to wit, the 20th 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 50 acros of the plaintiff.

COURT FIVE.

Plaintiff claims of the defendants the sum of Six Thousand Six Hundred Fifty and Ne/100 (\$6,650.00) 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, 50 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, Six Thousand Six Hundred Fifty and No/100 (\$6,650.00) Dollars, to plaintiff's great damage as aforesaid.

WCKER & FILDRETE

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

TUCKER & HILDRETE

TUCKER AND HILDRETH

504 E. NASHVILLE ATMORE, ALABAMA 36502 L. T. WEEKLEY,

X

Plaintiff,

Ĭ IN THE CIRCUIT COURT OF

vs.

M BALDWIN COUNTY, ALABAMA

NO. 6452

LOUISVILLE & NASHVILLE RAILROAD \ AT LAW 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,

Ĭ

Defendants.

X

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:

- That said Complaint fails to state a cause of action.
- That said Complaint is vague and indefinite.
- 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.
- 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 Rail-road 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.

FILED

APR 12 1965

ALOF A MOK, CLERK REGISTER

Attorneys for Defendant Louisville & Nashville Railroad Company le452

L. T. WEEKLEY,

Plaintiff,

-vs-

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

Defendant.

DEMURRER

APR 12 1965

AUGE & DUCK, CLERK REGISTER

Judge of Circuit Court Bay Minette, Alabama

Dear Sir:

Re: L. T. Weekley vs. L. & N., et al, No. 6452

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,

Attorney for Plaintiff

ATTORNEYS AT LAW

504 east mashville 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

TUÇKER & HILDRETH

BY: Emmett F. Hildreth.

EFH/pjs