

JACOB H. REICHERT,
Plaintiff.

-VS-

JEROME H. SHEIP, INC., a corporation organized under the laws of the State of Alabama,
and FANNIE I. BECKER,
Defendants.

CIRCUIT COURT OF BALDWIN
COUNTY.

1. The plaintiff sues to recover possession of the following tract of land:

"Beginning at a post, being the southeast corner of the claim of the representatives of James Caller, and running thence S 78 degrees, 37 minutes E. 99.10 chains to an elm marked XIII on four sides, thence South 50.25 degrees, West 80.60 chains to a post at the mouth of Bayou, thence with meanders of the north boundary of Tensaw as follows: North 36 degrees West 3.00 chains, North 55 1/4 degrees West 7.50 chains, North 76 degrees West 7.00 chains, North 86 degrees West 7.00 chains, South 89 degrees West 8.00 chains, South 87 1/2 degrees West 15.00 chains, South 89 degrees West 7.50 chains, North 89 degrees West 8.00 chains, North 85 1/4 degrees West 8.00 chains, North 79 3/4 degrees West 6.50 chains, North 83 degrees West 3.50 chains, North 69 degrees West 3.50 chains, North 71 1/2 degrees West 2.00 chains, North 68 degrees West 3.50 chains, North 55 3/4 degrees West 2.00 chains, North 61 degrees, West 3.00 chains, North 36 degrees West 4.00 chains, North 29 1/4 degrees West 3.00 chains to a post, a water oak bearing S 10 E 16 L XIII. A sweet gum bearing S 77 E 14 L XIII. A sweet gum bearing N 37 E 7.00 L XIII, thence North 50.25 degrees East 80.60 chains to the place of beginning; said lands being in Section 43, T. 1 N., R. 1 E., and containing 639.89 acres;

Being the same property conveyed by the Spanish Government to Louis Durette and conveyed by the heirs and legal representatives of the said Louis Durette to Anna Leland, as attorney in fact for said heirs and legal representatives."

of which he was in possession, and upon which, pending such possession, and before the commencement of this suit, the defendants entered and unlawfully withhold, together with Five Thousand Collars for the detention thereof.

Harry J. Smith & Cappy
Attorneys for Plaintiff.

Plaintiff demands a trial by jury.

Harry J. Smith & Cappy
Attorneys for Plaintiff.

Baldwin County

No.

..... Fall

Term, 191.. 8

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon Jerome H Sheip ,Inc, a Corporation
organized under the laws of the State of Alabama, and Fannie I Becker,

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Cir-
cuit Court of Baldwin County, State of Alabama, at Bay Minette, against them

the Defendant. by Jacob H Reichert,

Plaintiff

Witness my hand this 25th day of September

191.. 8

J. W. Reichert
Clerk.

Complaint

Plaintiff Versus

The plaintiff claims of the defendant

..... Dollars due by

Plaintiff's Attorney.

Original
(61)

State of Alabama
Madison County
Circuit Court

Jacob H Reinherdt.

vs.

Plaintiffs

Jerome H Sheip, a Corporation
and Fannie I Becker.

Defendants

Summons and Complaint

September 24th, 1918

Clerk.

Defendant lives at

Harry T Smith & Caffey.

Plaintiff's Attorney

Defendant's Attorney

Times Print—Bay Minette.

Sheip lives at Mobile

Received in office

1918

Sheriff

I have executed this Writ

this 19th day of Oct 1918
by leaving a copy of the within summons and com-
plaint with

Fannie I Becker

W H Holeman Sheriff

By H A. Cannon Ds

On Nov 21st 1918 I served a
copy of within Complaint & Summons
on J. C. Garbrough Secretary Jerome
H. Sheip & Co. Corporation

W H Holeman

Sheriff.

W G Edgworth

Deputy Sheriff.

1. If you believe from all the evidence that the defendant set out the fire on a dry and windy day where there was dry grass or weeds and if the grass or weeds were inflammable, and if the defendant knew or should reasonably have known that the grass would burn and probably spread to the orchard, then it was negligence on the part of the defendant if he immediately went away without stopping to see if the fire would spread, and if while the defendant was gone the fire got beyond the control of the defendant, and then spread, despite, despite the best efforts of the defendant, to the trees and burned them, and if ~~this case~~ these trees belonged to the plaintiff, your verdict should be for the plaintiff.

2. If you believe from all the evidence that the defendant set out the fire on a dry and windy day where there was dry grass, and if this grass was inflammable, and if the defendant knew or should reasonably have known that the grass would burn and ^{probably} spread to the trees, then it was negligence on the part of the defendant if he immediately went away without stopping to see if the fire would spread.

3. I charge you gentlemen, that the defendant, O. W. Devore, in using fire upon the premises of the plaintiff, was compelled, at his peril to keep it under control; and if the defendant, or his servants, as alleged in the complaint, were guilty of negligence in either setting out the fire that killed or injured the trees, or any of them, or in negligently permitting it to spread to the said trees, and injuring or killing them, or any of them, then you will find for the plaintiff.

4. If you believe from the evidence that the defendant set out or caused to be set out fire in the orchard of the plaintiff and his conduct in setting out or causing the fire to be set out and in ^{failing to} keeping it from spreading to the trees of the plaintiff, was such as to amount to reckless indifference, and the trees of the plaintiff were thereby injured, then you should award punitive damages to the plaintiff.

5. If you believe from the evidence that the defendant set out or caused to be set out ^{fire} in the orchard of the plaintiff, wantonly and with conduct amounting to reckless indifference, and the trees were killed or injured thereby, you should award punitive damages to the plaintiff.

6. If you believe from the evidence that the defendant set out the fire and did not use reasonable care in kindling the fire and did not use reasonable care in keeping it from spreading to the orchard of the plaintiff and the trees were injured or killed by the fire, you should find for the plaintiff.

7 If you believe from the evidence that the defendant set out the fire and failed to use reasonable care in keeping in from spreading to the orchard of the plaintiff and it did spread to the orchard of the plaintiff ^{or killing} damaging/the trees in the said orchard, you should find for the plaintiff. *Refused Leigh Judge*

8 If you believe from the evidence that the defendant kindled the fire in the orchard of the plaintiff and did not use reasonable care in ^{and} keeping it from burning ~~xx~~/injuring the said trees, you should find for the plaintiff. *Given Leigh Judge*

9 If you believe from the evidence that the defendant set or caused to be set out fire in the orchard of the plaintiff and did not use reasonable care in kindling the said fire or in keeping it from spreading to the trees in the orchard, thereby killing or injuring the said trees, you should find for the plaintiff. *Given Leigh Judge*

If you believe from the evidence that the defendant knew of the trees being planted on the premises of plaintiff and kindled or set out fire in such a manner that his conduct amounted to reckless indifference then you should award punitive damages for the plaintiff.

10. *Refused Leigh Judge*

11 I charge you gentlemen that the defendant O. W. DeVoe, in kindling or setting ~~fire~~ ^f fire to the stumps was compelled, at his peril, to keep it there and if the defendant was guilty of negligence in either setting or kindling the fire or in permitting it to spread, and the orchard of the plaintiff was injured thereby, then you must find for the plaintiff. *Refused Leigh Judge*

12. I, charge you, Gentlemen of the Jury, that if you believe from the evidence that the Defendant set out fire in the orchard of the Plaintiff ~~knowing~~ and did not use reasonable care as required under condition of like kind and like circumstances, to keep it from spreading to the trees and the said fire did spread to and injure or kill the trees as alleged or any part of them then you will find for the Plaintiff. *Given Leigh Judge*

The court charges the jury that the burden is upon the plaintiff to show to the reasonable satisfaction of the jury that the damage was caused by the negligence of the defendant and unless they are reasonably satisfied from the evidence in the case that the damage was caused by the negligence of the defendant, they must find for the defendant.

Given
Leigh Judge

The Court charges the jury that if they find from the evidence in the case that the defendant set the fire on his own premises for a lawful purpose which a fire accidentally starts therefrom, he is not liable for the damage caused by its communication to the property of plaintiff unless it started through ~~his~~ his negligence or he failed to use ordinary skill and care in controlling it. They must find for the defendant.

Judge

Given

The Court charges the jury
that if they believe from all
the evidence in the case that
the defendant was not guilty
of any negligence in setting
out the poles that destroyed
the property of plaintiff
they should find a verdict
for the defendant.

Given Last Judge