

W. E. Bryant,  
Plaintiff,

Vs.

Walker D. Hines, Director  
General of Railroads,  
operating the Louisville and  
Nashville Railroad,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY,  
ALABAMA.

The Plaintiff claims of the Defendant one hundred and fifty & no/100 Dollars, as damages, for that on or about the 28th, day of June 1918, the defendant was operating a line of railroad trains, propelled by means of steam through Baldwin County, Alabama; and that on or about the above said date, the defendant, who was then and there operating said line of railroad trains by and through its agents or employees, so negligently operated one of its said trains that it ran upon and against three cattle of the cow kind at or near the old Section House, near Carney Station, in Baldwin County, Alabama, and as a proximate result of said negligence said train killed the said three head of cattle of the cow kind, property of the plaintiff and all to his damage in the above said amount of \$150.00.

And the Plaintiff claims of the defendant the further sum of Fifty & no/100 Dollars, as damages, for that on or about the 3rd, day of July 1918, the defendant was operating a line of railroad trains, propelled by means of steam, through Baldwin County, Alabama, and that on or about the said third day of July 1918, the defendant, who was then and there operating said line of railroad trains by and through its Agents or Employees, so negligently operated one of its trains that it ran upon and against one cow at or near Dyas Station, in Baldwin County, Alabama, and as approximate result of said negligence, said train killed the said cow, property of Plaintiff and all to his damage in the above said sum of Fifty Dollars, hence this suit.

Chas. Hall &  
Gordon Edington  
Attorneys for Plaintiff.

Plaintiff demands a trial by jury.

Chas. Hall &  
Gordon Edington  
Attorneys for Plaintiff.

The State of Alabama,  
BALDWIN COUNTY.

No. 21

Circuit Court

Fall Term

1917

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon Walker D. Hines, Director General of Railro.  
operating the Louisville and Nashville Railroad,

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 him Defendant.

by W. B. Bryant.

Plaintiff

Witness my hand this 26th day of June 1917

*J. W. Rimmer*

Clerk.

COMPLAINT

Plaintiff Versus

The Plaintiff claims of the Defendant

Dollars due by

Plaintiff's Attorney.

State of Alabama,

BALDWIN COUNTY.

Circuit Court

W. E. Bryant.

vs.

Plaintiffs

Elmer D. Hines, Director

General of Railroads operating  
the Louisville and Nashville  
Railroad.

Defendants

SUMMONS AND COMPLAINT

Filed June 26th, 1919.

W. E. Bryant

Clerk

Defendant lives at

Chas. Hall, Gordon and

Edgington. Plaintiff's Attorney

Defendant's Attorney

Times Print, Bay Minette.

Received in office

June 26th

1919

W. E. Bryant

Sheriff

I have executed this Writ

this

1919

by leaving a copy of the within summons and complaint with

RECEIVED AGT.

W. E. Bryant

Sheriff

Deputy Sheriff.

He was taken down - shot more  
than 100 times - some of them  
were fatal - he was taken down  
June 1918  
no other evidence in them  
not 18 but close  
could not get it, etc

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than 100 times - some of them  
were fatal - he was taken down  
June 1918  
no other evidence in them  
not 18 but close  
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W. E. Bryant,  
Plaintiff.

vs.

Walker D. Hines, as Direc-  
tor General of Railroads,  
Defendant.

In the Circuit Court of  
Baldwin County.

The defendant desiring the testimony of the plaintiff in the above styled cause, herein propounds interrogatories as authorized by Section 4049 et seq. of the Code.

Interrogatory One: (1) What was the weight of each of the animals sued for in Count One of your complaint?

(2) What was the weight of the animal sued for in Count Two of your complaint?

(3) Describe each of the animals fully, giving the color, age, weight, whether male or female, and if they had any private brand or mark describe fully what that brand or mark was.

(4) State your reasons for believing the railroad is liable to you in the manner claimed in your complaint.

(5) Do you know that the stock referred to in your complaint were killed by a train or trains of the defendant?

(6) Did you see them killed?

(7) If you state that you did not see them killed, give the names and addresses of any person or persons that did see them killed.

(8) If you state that you did not see the stock killed, state whether you saw them after they were killed, the date you saw them after they were killed, and the time of day.

(9) If you state that you did not see these animals after they were killed, state fully who did see them. Give the names and addresses of any person or persons that saw them after they were killed.

(10) State exactly the point on defendant's line of railway these stock were killed.

(11) What time of the day were they killed? and give date exactly.

(12) What time of the day were they found?

(13) What train killed them? Was it a freight or passenger train, and what direction was it running?

(14) What marks or signs were there on the animals to show that they had been struck by a train? Was there any blood upon the track?

(15) Did you ever report the killing of these stock to defendant's section foreman? If so, when did you make such report? Did you ever report it to any other officer, agent or employe of the defendant?

(16) Is it not a fact that you have heretofore been paid in full by defendant for stock answering the description of these cattle, and which were killed at the same place and same time?

(17) Is it not a fact that on March 19th, you were paid in full by defendant for two steers and four cows killed near Dyas and Carneys Station on or about July 3rd, 1918? If you state that this is true, then state whether you then knew about the killing of the stock for which you brought this suit? Is it not a fact that you said to defendant's agents at that time that the claims then paid you by defendant were all the claims you then had against this defendant?

(18) How many head of cattle have you running at large on open range in Baldwin County, Alabama?

(19) How many head of cattle had you on open range in July, 1918?

(20) How often do you see all of these cattle?

(21) State approximately the number of square miles covered by your stock in their range?

(22) Is it not a fact that during the summer months you do not see all of your cattle for many weeks in succession?

(23) Is it not a fact that many of your cattle, and many of your neighbors' die during the summer months from natural causes?

(24) Is it not a fact that many of your cattle and many of your neighbors' cattle are stolen, or at least disappear, without your even knowing what became of them?

(25) Have you had any cattle to die within the past 12 months from natural causes? If so, how many?

(26) Did any of your cattle die during the year 1918 from natural causes? If so, how many?

(27) Did you have any cattle stolen from you during the year 1918? If so, how many?

(28) Did any of your neighbors lose any cattle by theft, or by death from natural causes, during the year 1918?

S. C. Jenkins  
Attorney for Defendant.

STATE OF ALABAMA )

BALDWIN COUNTY )

Before me, a notary public, in and for said state and county personally appeared S. C. Jenkins, who being first duly sworn says he is attorney of record for the defendant in the above styled cause, and that the answers to the foregoing interrogatories will be material testimony for defendant in the cause.

S. C. Jenkins  
Attorney for Defendant.

Subscribed and sworn to before me this 2 day of Aug 1919.

T. W. Richardson  
Notary Public.

Clerk Circuit Court.



W. E. Bryant, Plaintiff )

vs )

Walker D. Hines Director )

General of Railroads, operating )

the Louisville & Nashville Rail- )

road , Defendant . )

In Circuit Court of  
Baldwin County .

The by his attys admit that the engineers and trainmen of de-  
fendant , if present and sworn as witnesses in this cause would tes -  
tify that they did not see any cow hit or killed by defendant,s -  
train, carrs or locomotives on/ or about the dates of July 3rd  
1918 and June 28th 1918 at or near either Dyas or Carney in  
Baldwin County on its line of railroad as alledged in the complain t  
in this cause and defendant by his attorays admit that said engineers  
and trainmen would also testify if sworn in the cause that it might be  
possible that defendant,s train, carrs or locomotive did hit or -  
kill said cattle as alledged and they not see or know it, ~~but that it~~  
~~would not be probable.~~

It is understood that this agræement is made to avoid the neecessity  
of defendant having to take off of his trains his engineers and  
firemen, who ran ~~xxx~~ his trains alongt~~xx~~ the line of the defendan,t  
railroad in Baldwin county on or about said dates, towit July 3rd ,  
1918 and Aug. 28th, 1918.

W. E. Bryant ; plaintiff

Vs

Walker D. Rinee, Director

General of Railroads, oper-

ating the Louisville & Nashville

Railroad . Defendant .

Circuit Court of Baldwin

County, Alabama.

~~Comes the defendant and for answer to the complaint and each count~~  
thereof separately pleads and says :

1. That he is not guilty of the matters therein alleged .
2. That the cause of action sued on is barred by the statute of limitations of one year.
3. That for further answer to the complaint he says that he has paid the demand for the recovery of which this suit was brought before the action was commenced .

B. C. Jenkins & T. M. Sterns

Attys for defendant.

~~Defendant's counsel in this cause .~~

B. C. Jenkins & T. M. Sterns

Attys for the defendant .



W. E. Bryant

vs

Walker D. Hines,  
Director General of Railroads,  
operating the Louisville &  
Nashville Railroad .

In Circuit Court of Baldwin  
County, Alabama.  
Fall Term 1919.

Comes the defendant and for further grounds of demurrer to the  
complaint in this cause and to each count thereof separately, says :

5th That said complaint is vague and indeffinite, in that it fails to  
aver the place in said county where the said alledged injury to an-  
imals occurred, and that by such failure defendant is not apprized of  
a fact material to be known for the proper defense of this suit.

6th. That said complaint is vague and indefinite , in that it fails  
to aver the time when or the day when said alledged injury to  
the animlas occoured , and that by such failure defendant is not-  
apprized of a fact material to be known for the proper defense of  
this suit .

*S. Jenkins & J. M. Stearns*

Attys for the Defendant .

Largest Weekly Circulation in South Alabama

Bay Minette, Ala.,

April 15th, 1919

M  
R. W. Byrne, Plaintiff  
vs  
Charles Walker, Defendant

Attachment Notice  
Chas. Hall and Gordon & Eddington,  
Attys for Plaintiff.

# THE BALDWIN TIMES

ABNER J. SMITH, PROPR.

FINE JOB PRINTING. BEST ADVERTISING MEDIUM

PROMPT SERVICE. LOWEST PRICES.

LOCAL AND LONG DISTANCE TELEPHONE

All Bills Must Be Paid Within 30 Days

To publishing above attachment Notice in The Baldwin Times  
in issues of March 27th and April 3rd and 10th, 1919:

181 words @  $3\frac{1}{2}$  ¢ per word..... \$6.33

*Paid by Judge Chas Hall  
Abner J Smith Prop*

*4 11 19*

MOBILE, ALA.,

*Apr 21st* 191*5*

*\$150.00*

*Sixty days* after date, without grace, *We* promise to pay

to the order of

*W. W. Byrne*  
*One hundred and fifty* DOLLARS

for value received. Payable at THE BANK OF MOBILE, N. B. A., in Mobile, Alabama.

The parties to this instrument, whether maker, endorser, surety or guarantor, each for himself hereby severally agrees to pay this note and waives as to this debt, all right of exemption under the Constitution and Laws of Alabama or any other State, and they each severally agree to pay all costs of collecting or securing, or attempting to collect or secure this note, including a reasonable attorney's fee whether the same be collected or secured by suit or otherwise. And the maker, endorser, surety or guarantor of this note severally waives, demand, presentment, protest notice of protest, suit and all other requirements necessary to hold them.

*Walker*  
*Guarantor Pleasure*

Due

THE BANK OF MOBILE  
NATIONAL BANKING ASSOCIATION  
MOBILE, ALA.