

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

The State of Alabama, }
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

A. C. Grimes

if to be found in your county, at the instance of the

Peoff

to appear before the honorable Circuit Court of Baldwin County at the Court House thereof, on the *18th*

day of *Nov* *9/19*, then and there to testify, and the truth to say, in a certain case pend-

ing, wherein

Fairy Fertilizer Co

Plaintiff,

Margaret Gooden et al

~~Defendant~~

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ .

Witness my hand this *10* day of *Nov* A. D., 19*19*.

ATTEST:

W. H. Kilman

Clerk.

Wheeler

No.

The State of Alabama,
BALDWIN COUNTY.

VS.

SUBPOENA FOR

Circuit Court

WITNESSES

A. C. Grimes
Daphne

SET FOR TRIAL

18 day of *Nov* 19*19*

Baldwin Times Print.

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

The State of Alabama, }
BALDWIN COUNTY. }

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

if to be found in your county, at the instance of the

to appear before the honorable Circuit Court of Baldwin County at the Court House thereof, on the

day of18....., then and there to testify, and the truth to say, in a certain case pend-

ing, wherein

Plaintiff,

Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ .

Witness my hand this18..... day ofNov..... A. D., 1919.

ATTEST:

Clerk.

60.

Copy

No.

The State of Alabama,
BALDWIN COUNTY.

VS. | SUBPOENA FOR

Circuit Court

WITNESSES

Hempson Lowery

SET FOR TRIAL

18 day of *Nov* 19*19*

Baldwin Times Print.

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

The State of Alabama, }
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Wm Stewart

J. B. Overmyer

if to be found in your county, at the instance of the

Deft

to appear before the honorable Circuit Court of Baldwin County at the Court House thereof, on the

18th

day of

Nov

18/19

ing, wherein

W E Bryant
James D Jones

Plaintiff,

Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ .

Witness my hand this

7

day of

Nov

A. D., 19*19*

ATTEST:

J M Ransom

Clerk.

Executed Nov
17th 1919

by leaving copy
of the within
subpoena with
the waitress named
Williams

W. H. Stuart
Sheriff

By B. C. McGinnis

Original

No.

The State of Alabama,
BALDWIN COUNTY.

W. E. Bryant

VS.

SUBPOENA FOR

Walter D. Dineen

Circuit Court

WITNESSES

J. B. Mackey
Dan Stewart

SET FOR TRIAL

18 day of Nov 1919

Baldwin Times Print.

Ryan

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

The State of Alabama, }
BALDWIN COUNTY. }

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Percy Bryant
Will Thomas (Col) J. A. Kilpatrick,
J. B. Wesley, John Leavins, Sam Stewart,
Pepp.

if to be found in your county, at the instance of the
to appear before the honorable Circuit Court of Baldwin County at the Court House thereof, on the 17th
day of Nov 1919, then and there to testify, and the truth to say, in a certain case pend-
ing, wherein

J. E. Bryant. Plaintiff,
Walter D. Davis Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ .

Witness my hand this 5 day of Nov A. D., 1919

ATTEST:
J. M. Williams Clerk.

Executed Nov
13th 1919,

by leaving copy
of the within
summons with
the within named
within

W. H. Stuart
Sheriff

By B. O. Wiggins D.S.

Original

No.

The State of Alabama,
BALDWIN COUNTY.

W. E. Bryant,

VS.

SUBPOENA FOR

Walter D. Hines

Circuit Court

WITNESSES

Oscar Bryant,
Bill Thomas (Col)
J. A. Kelpubrick
J. B. Lockley,
John Leavins
Dan Stewart

SET FOR TRIAL

17 day of Nov 1919

Baldwin Times Print.

D. W. Jones & Son

2.
12/15/19
S.C.Jenkins.

"Now comes, on this the 17 day of December, 1919, Walker D. Hines, as Director General of Railroads operating and controlling the Louisville & Nashville Railroad, the defendant in the above entitled cause, by S. C. Jenkins, Attorney of Record for said defendant, and hereby appeals from the judgment, of the Circuit Court of Baldwin County, in said cause rendered on the 18 day of November, 1919, for \$200.00 and costs, to the present term of the Court of Appeals of Alabama.

Pursuant to direction of General Order No. 50-A issued by the Director General of Railroads, the usual bond required by the statute for appeals in such cases is not given.

(SIGNED) W. D. HINES, as Director
General of Railroads, operat-
ing and controlling Louis-
ville & Nashville Railroad,
defendant,

By S. C. JENKINS, as Attorney
of Record."

If you are of the opinion that you can secure a reversal of the case, then we think it would be wise to go ahead and take the appeal in the manner as above indicated.

As to the bill for the stenographer, enclosed in your letter, for making transcript ~~enclosed in your letter~~, beg to advise that Mr. Jones has sent the same forward to Louisville to be vouchered. As to the cost bill enclosed in your letter, it will not be necessary to pay the same at this time in event you decide to take the appeal to the Court of Appeals.

Yours truly,

E. Perry Lawrence
Assistant District Attorney.

S.
encl.

W. E. Bryant,
Plaintiff.

vs.

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

In the Circuit Court of
Baldwin County.

Comes W. E. Bryant, the Plaintiff, in the above style cause and answers the interrogatories propounded to him by the defendant by authority of Section 4049 of the Code, as follows:

1. To the first interrogatory, he says: Each of the animals sued for in count one of my complaint weighed about 700 pounds.

2. To the second interrogatory, he says: The weight of the animal sued for in count two of my complaint was about 600 pounds.

3. To the third interrogatory he says: One yellow cow, about six years of age, weighed about 700 pounds; One dun white face cow, age about six years, weighed about 700 pounds; and one black no horn graded Angus bull, weight about 700 pounds; all branded "A.B."

4. To the fourth interrogatory he says: Because the animals were found dead on the side of the track of the Louisville & Nashville Railroad.

5. To the fifth interrogatory he says: I did not see them killed by the train, but saw them lying side of the railroad track after they were killed.

6. To the sixth interrogatory he says: No.

7. To the seventh interrogatory he says: At this time I do not know the names and addresses of any person that saw the animals killed for that reason I cannot give the name.

8. To the eighth interrogatory he says: I saw the carcuses of the stock killed after they were killed, I do not remember the date they were killed, it was about two o'clock in the day time that I saw them.

9. To the ninth interrogatory he says: The following persons saw them after they were killed: Dan Stewart, Percy Stewart, W. J. Hall and Will Thomas all of Bay Minette, Ala.

10. To the tenth interrogatory he says: The three animals mentioned in count one of my complaint were killed near the old Station house South of Carney Station and the animal mentioned in count two of my complaint was a red cow and was killed near the water tank at Dyes Station. She weighed about 600 pounds.

11. To the eleventh interrogatory he says: I do not know the time of day they were killed.

12. To the twelfth interrogatory he says: I do not know the time of day they were found.

13. To the thirteenth interrogatory he says: I do not know what train killed them and I do not know whether it was a freight or passenger train and in what direction it was running.

14. To the fourteenth interrogatory he says: I cannot say what marks or sign were on the animals to show that they were struck by a train.

15. To the fifteenth interrogatory he says: I did not report the killing of the stock to defendant's Section Foreman nor to any other officer, agent or employee of the defendant at the time the stock was killed. Some time after the stock was killed I reported them to one T. J. Harlan who claimed to be a stock claim agent of the Louisville & Nashville Company

16. To the sixteenth interrogatory he says: It is not a fact that I have been ~~paid~~ heretofore paid in full by defendant for the stock involved in this suit.

17. To the seventeenth interrogatory he says: I was paid by defendant's agent for two steers and four cows killed near Carney Station, they being the ones killed on or about July 3rd. 1918, but I was not paid for the cow killed near the water tank at Dyas Station which is mentioned in count two of my complaint. I do not know the month and day I was paid for the six head above referred to. Yes, at the time I was paid for the six head I knew about the killing of the stock for which I brought this suit. It is not a fact that I said to defendant's agent at the time that the claims for the six head herein above referred to, then paid me by the defendant were all the claims I had against the defendant.

18. To the eighteenth interrogatory he says: I do not know how many head of cattle I had on open range in July 1918.

19. To the nineteenth interrogatory he says: I do not know how many head of cattle I have running at large on open range in Baldwin County, Ala., and I do not know how many head of cattle I had on open range in July 1918.

20. To the twentieth interrogatory he says: I do not know how often I see all of these cattle.

21. To the twentyfirst interrogatory he says: I cannot state the approximate number of square miles covered by my stock in their range as I do not know.

22. To the twenty-second interrogatory he says: It is a fact that during the summer months I do not see all of my cattle for many weeks in succession.

23. To the twentythird interrogatory he says: It is not a fact that many of my cattle die during the summer months from natural causes nor my neighbors cattle, that is, many of them do not die during the summer months from natural causes.

24. To the twenty-fourth interrogatory he says: It is not a fact that many of my cattle and many of my neighbors cattle are stolen or disappear without me knowing what became of them. I may lose a few cattle in this way and my neighbors may lose a few but a very few.

25. To the twenty-fifth interrogatory he says: Yes, I have had some cattle to die from natural causes within the last past twelve months probably as many as fifty head.

26. To the twenty-sixth interrogatory he says: Yes, some of my cattle died during the year 1918 from natural causes. I do not know how many.

27. To the twenty-seventh interrogatory he says: If any cattle were stolen from me during the year 1918 I do not know it.

28. To the twenty-eight interrogatory he says: Some of my neighbors lost some cattle during the year 1918 from natural causes. I do not know how many and some died from natural causes during that year.

I do not know of any cattle being stolen from my neighbors during the year 1918.

W.E. Bryant

STATE OF ALABAMA,)

BAIRDWIN COUNTY.)

Before the undersigned a notary public for said County and said State personally appeared W. E. Bryant who being by me duly sworn does depose and say that the answers made by him to the interrogatories propounded to him by the defendant in the above s stated cause are to the best of his knowledge, information and be- lief true and correct.

W.E. Bryant

Sworn to and subscribed before me by the said W. E. Bryant this 5th day of September, 1919.

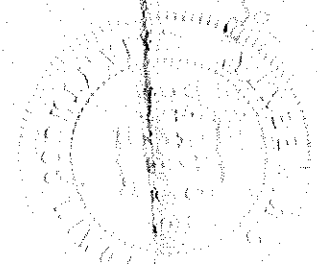
C. R. Buckley

Notary Public for
Baldwin County, Ala.

Filed Sept 6th 1919.
T. W. Richmond
Clerk.

[illegible]

Mr. J. H. Wilson
Mr. J. H. Wilson
Mr. J. H. Wilson



Now comes, on this 18th day of November, 1919, Walker D. Hines, as Director General of Railroads operating and controlling the Louisville & Nashville Railroad, the defendant in the above entitled - cause, by S. C. Jenkins, Attorney of Record for said Defendant, and hereby appeals from the judgment of the Circuit Court of Baldwin County in said cause rendered on the 18th day of November 1919 for \$200 and costs to the present term of the Court of Appeals of Alabama.

Pursuant to direction of General Order No 50-A issued by the Director General of Railroads, the usual bond required by the statute for appeals in such cases is not given.

W. D. Hines, as Director General of Railroads, operating and controlling - Louisville & Nashville Railroad, defendant.

By S. C. Jenkins As Attorney of Record.

*Grimm
Gambrell
Judge*

Charge no 1

The court charges the jury, the plaintiff cannot recover damages in this case, if after a fair consideration of all the evidence, any ~~juror~~ individual juror is not reasonably satisfied by any ~~part of the evidence~~ material part of the evidence that he ought not to recover damages.

(2)

The court charges the jury, the plaintiff cannot recover damages on the first count of the complaint, if after a fair consideration of all the evidence, any individual juror is not reasonably satisfied by ~~any part~~ any material part of the evidence, he ought not to recover damages.

(2)

*Grimm
Gambrell
Judge*

(3)

(3)

The Court charges the jury " the burden of proof is on the plaintiff in this case to establish to the reasonable satisfaction of the jury by a preponderance of the evidence that the railroad company was guilty of negligence .

*Grimm
Gambrell
Judge*

201

No. Term, 191

The State of Alabama,
BALDWIN COUNTY.

CIRCUIT COURT,

W. E. Bryant
vs.
W. E. Bryant

W. E. Bryant
Charges the *People* to attendance as a
Witness in *his* behalf, in said case, as follows:

To *People* Days' attendance at \$1.50 per day, - - - \$ *30*

ESS CERTIFICATE
ORIGINAL