



Plaintiff's intestate and by reason thereof and as a proximate  
2400  
result and consequence thereof Plaintiff's intestate's said truck  
was demolished, for all of which Plaintiff claims damages as afore-  
said; hence this suit.

2. Plaintiff claims of the Defendant Fifty Thousand  
Dollars as damages, for that on to-wit, the 19th day of July, 1937,  
the Plaintiff's intestate, Charlie Metz Eddins, was driving along  
the public highway known as United States Highway Number Thirty-one  
in his automobile truck, at a point approximately one and three-  
fourths miles northeast of the place where United States Highway  
Number Thirty-one intersects United States Highway Number Ninety  
in Baldwin County, Alabama, and then and there one, L. H. Milstead,  
the servant, agent and employee of the Defendant, while acting with-  
in the line and scope of his employment, negligently drove an auto-  
mobile truck into or against the automobile truck of Plaintiff's  
intestate and by reason thereof and as a proximate result and con-  
sequence thereof the Plaintiff's intestate was crushed, injured and  
killed instantly; for all of which Plaintiff claims damages as  
2600  
aforesaid; hence this suit.

3. Plaintiff claims of the Defendant Fifty Thousand  
Dollars damages for that on to-wit, the 19th day of July, 1937, the  
Plaintiff's intestate, Charlie Metz Eddins, was driving along the  
public highway known as United States Highway Number Thirty-one in  
his automobile truck at a point approximately one and three-fourths  
miles northeast of the place where United States Highway Number  
Thirty-one intersects United States Highway Number Ninety, in Baldwin  
County, Alabama, and then and there one, L. H. Milstead, the servant,  
agent and employee of the Defendant, while acting within the line  
and scope of his employment, wilfully and wantonly drove an automobile  
truck into or against the automobile truck of Plaintiff's intestate  
and against Plaintiff's intestate, and by reason thereof and as a  
proximate result and consequence thereof the Plaintiff's intestate  
was crushed, injured and killed instantly; for all of which Plaintiff

claims damages as aforesaid; hence this suit.

J. T. Blackburn

Attorney for Plaintiff.

Plaintiff demands a trial of said  
cause by jury.

J. T. Blackburn

Attorney for Plaintiff.

Original *Exhibit/Rec'd 8*  
RECORDED 403

SUMMONS AND COMPLAINT.

OPAL EDDINS, ADMINISTRATRIX  
OF THE ESTATE OF CHARLIE WENZ  
EDDINS, Deceased,

Plaintiff,

VS.

SHERRILL OIL COMPANY, a Corpor-  
ation,  
Defendant.

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

Filed on this the 24th day of May,  
1938.

*J. B. Blackburn*  
Clerk of Circuit Court.

J. B. BLACKBURN  
2100 ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

STATE OF ALABAMA  
CONECUH COUNTY

I have this day executed the within Writ by serving  
a copy on C. N. Stallworth, Agent for Sherrill Oil Company, a Corpor-  
ation.

Dated this 25th day of May, 1938.

*W. H. Moore*  
Sheriff, Conecuh County, Alabama.

By \_\_\_\_\_

IN THE MATTER OF

THE PROCEEDINGS COMMENCED <sup>2800</sup>  
BY OPAL EDDINS, ADMINISTRATRIX  
OF THE ESTATE OF CHARLIE METZ  
EDDINS, DECEASED, TO PERPETUATE  
THE TESTIMONY OF THE WITNESS,  
L. H. MILSTEAD.

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

AGREEMENT.

IT IS AGREED between Opal Eddins, the Administratrix of the Estate of Charlie Metz Eddins, Deceased, and Sherrill Oil Company, a Corporation, acting by and through their respective attorneys as follows:

1. That the testimony of the witness, L. H. Milstead, heretofore ordered taken before the Honorable F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama, in Monroeville, Alabama, at 2:30 o'clock P. M. on May 21, 1938, be taken in Atmore, Alabama, <sup>2900</sup> at 2:00 o'clock P. M. on May 21, 1938, and that it will not be necessary for the Honorable F. W. Hare, Judge of the Twenty-first Judicial Circuit to be present at the taking of the said testimony.
2. That the said testimony be taken in Atmore, Alabama, at the time mentioned above by Olive Nelson, without any commission being issued to her; that the witness be duly sworn by her; every question and answer taken down and the deposition completed, carefully <sup>3000</sup> read to and subscribed by the witness, and certified by said Olive Nelson and when so certified by her shall be filed with the Clerk of the Circuit Court of Baldwin County, Alabama, and shall have the same force and effect as though taken before and certified by the Honorable F. W. Hare, Judge of the Twenty-first Judicial Circuit as provided by Section 7783 of the 1923 Code of Alabama.
3. Either of said parties upon proof of the death or insanity of the witness at the time of the trial of any controversy <sup>3100</sup> between them, or that he is not within the jurisdiction of the Court,

the deposition or a certified copy thereof, may be given in evidence by either party provided however, that either of said parties may move to exclude any question and answer upon any proper ground as though proper objection had been interposed to the said question and answer at the time the deposition was taken.

4. The taking of the deposition of said witness at the time, place and in the manner herein referred to has been by consent and agreement of the said parties and because the said deposition has been taken in this manner all defects and irregularities in the taking thereof have been waived by said parties, and no motion to suppress said deposition shall be made because of any defect or irregularity in the taking thereof.

EXECUTED IN TRIPLICATE on this the 21st day of May, 1938.

OPAL EDDINS, Administratrix of the  
Estate of Charlie Metz Eddins, De-  
ceased,

By J. T. T. Bachman  
As her Attorney.

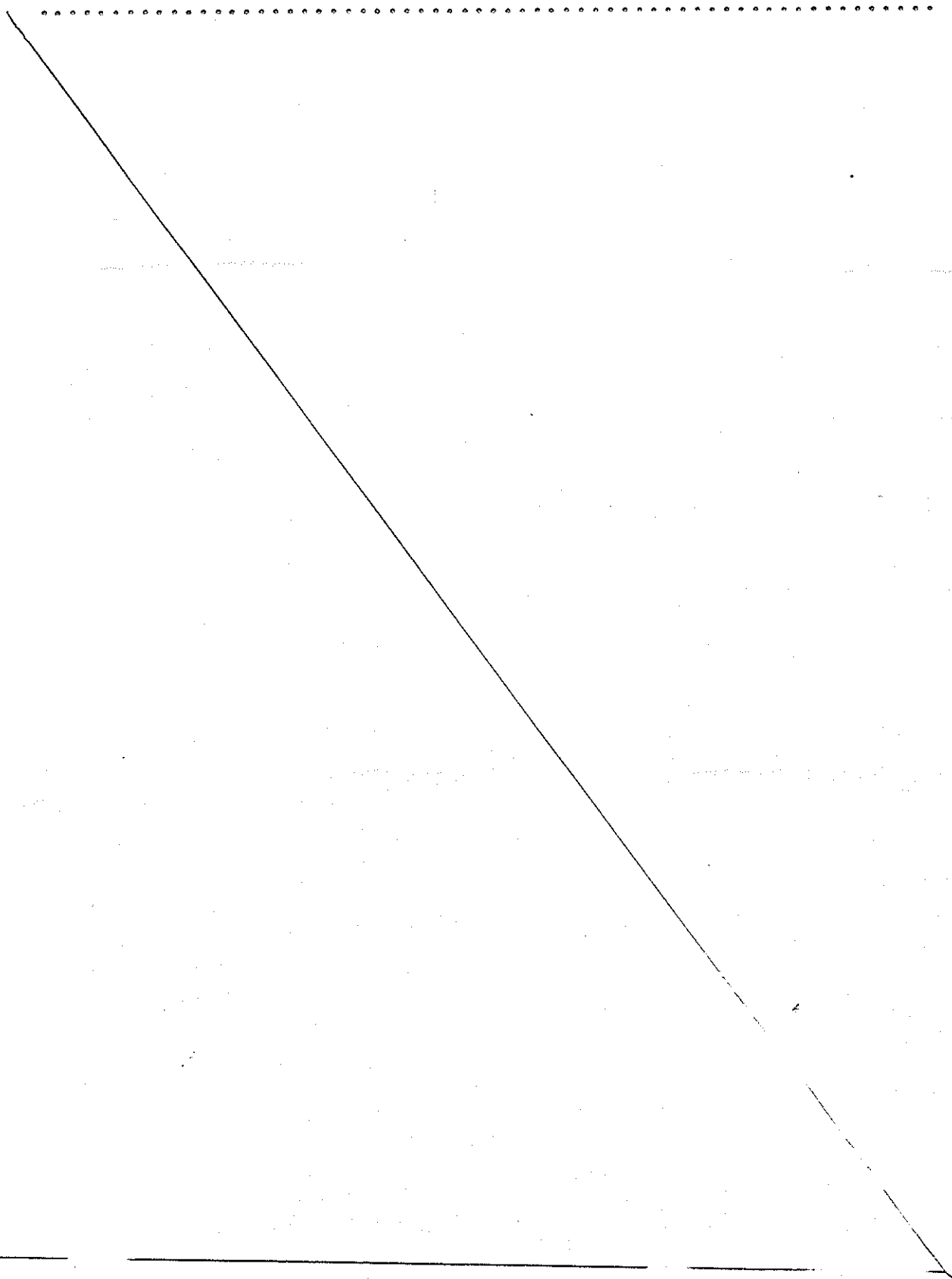
SHERILL OIL COMPANY, a Corporation,

By Wm. G. Brooks  
As its Attorney.

3200

I, Olive Nelson, as Special Commissioner, have called and caused to come before me L. H. Milstead, the witness named in the foregoing Agreement, at 2:30 P. M. on May 21, 1938, in Atmore, Alabama, as provided in the foregoing Agreement, and having first sworn said witness to speak the truth, the whole truth and nothing but the truth, each question and answer was taken down as provided in the said Agreement, said questions and answers being as follows:

.....



PROCEEDING TO PERPETUATE THE  
TESTIMONY OF L. H. MILSTEAD UNDER THE STATUTE

OPAL EDDINS, Admx. of  
<sup>346<sup>2</sup></sup>  
Charlie Metz Eddins, Dec'd.

Plaintiff

VS

SHERRILL OIL COMPANY, a  
Corporation.

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Direct examination by Hon. J. B. Blackburn, Attorney for the  
Plaintiff:-

Q. Is this Mr. L. H. Milstead?

A. Yes sir.

Q. What work were you engaged in on July 19, 1937?

A. I was driving a truck.

Q. Who were you driving for?

A. Sherrill Oil Company.

Q. What was their place of business?

A. Pensacola, Florida.

Q. What kind of a truck were you driving on this date?

A. Chevrolet truck with tank and trailer.

Q. Was that a two wheel trailer or a four wheel trailer?

A. A two wheel trailer.

Q. Were you in Baldwin County on that day with that truck?

A. Yes sir.

Q. What were you doing with the truck in Baldwin County?

A. Hauling gasoline.

Q. Who for?

A. Sherrill Oil Company.

Q. Was that your regular employment, hauling gasoline?

A. Yes sir.

Q. About what time was it you had an accident, Mr. Milstead?

A. It was around 3:30 o'clock in the afternoon.

Q. Where was that, Mr. Milstead?



A. I judge it was around two miles from the Bay Bridge or <sup>3600</sup> Cochrane Bridge.

Q. In what direction?

A. I say it would be East, back towards Bay Minette.

Q. What highway was that on?

A. I don't know, the one out there.

Q. The highway that leads from Mobile right on towards Montgomery, by Atmore and on towards Montgomery?

A. Yes sir.

Q. What kind of a truck was the other man driving at the time of your accident?

A. Ford.

Q. Did it have a trailer?

A. No sir.

Q. Now, Mr. Milstead what was your position when you first saw this other truck? <sup>3700</sup>

A. Well, when I first saw it I was on the right side traveling East.

Q. You were on the right side traveling East?

A. Yes sir.

Q. Just tell us about when you first saw the other truck.

A. I judge around two hundred fifty feet away that there was a road right side of the highway leading off the highway.

Q. On which side?

A. On my right side, and I imagine around 250 feet the truck broke over on my side of the road.

Q. What happened then?

A. About 250 feet from me the other truck broke over to my side of the road and so <sup>3800</sup> whenever he broke to my side of the road I started slowing down and to see what he was going to do. I felt he was going to make a left turn and I still say that that is what was the man's intentions were and I still say that as he got near the highway <sup>3900</sup> he misjudged the distance I was from him and I did not have time to make the left turn and went back to the right and about that time we were getting so close together and when he made the break to get on his side of the road I decided that I better get

back and make room for him to pass. I slowed down a little bit and when I shoved down on the brakes my back wheels jammed.

Q. What was your position on the road at the time the truck struck you?

A. The front wheels of my truck was across the center, right over the left.

Q. How far to the left?

A. I imagine it was about three feet or maybe more.

Q. What part of your truck did his truck strike?

A. He struck the right side of my truck, along about the hood back to the cab.

Q. What part of the hood?

A. Well, it was this way, he struck partly the hood and partly the cab.

Q. All at the same time?

A. All at the same time.

Q. How long had you been driving this particular truck?

A. It was the first day I drove it.

Q. How long have you been truck driving?

A. For the last eleven or twelve years.

Q. You were fully familiar with the brakes of the truck?

A. Yes sir.

Q. Was this truck new or one that had been in use?

A. He had been in use.

Q. How far had it been driven?

A. Some 66,000 miles.

Q. When did you first notice the brakes was different?

Objection by Mr. Brooks, attorney for Defendant.

Q. What was the condition of the brakes on the truck that you were driving?

A. The front wheels - one of them was evidently too tight; for the left one for the right one, it was bound to be.

Q. What did that cause when you applied the brakes?

A. It caused the truck to swerve to the left when you applied the brakes.

1200

Q. Did you apply them before the accident?

A. I did and it jumped to the left.

Q. Are you familiar with the speed of trucks?

A. Yes sir.

Q. Do you know what speed you were driving when you first applied the brakes?

A. I had been around 45 miles an hour all day.

Q. Were you or were you not driving 45 miles per hour at that time?

A. No sir, whenever we met and I seen the fellow break over to my side I let up on my gas.

Q. At the time you let up on your gas, how fast were you driving?

A. 45 miles.

Q. How far did your truck travel from the time you let up till the time you and the Eddins truck collided?

A. I imagine I had not traveled <sup>over</sup> 75 or 100 feet.

Q. How many men was in your truck?

A. Nobody, but me.

Q. How many was in the other truck?

A. Nobody, but him.

Q. What happened when the trucks collided, to the other man?

A. He got killed.

Q. Was he killed outright?

A. To my own knowledge I think he was dead by the time they got him out of the truck.

Q. I believe that you stated that this happened on the Highway from the Bay Bridge Road toward Bay Minette, Baldwin County Alabama?

A. Yes sir.

Q. Was the Eddins truck on his side of the road at the time the trucks struck?

A. He was practically over there, it would be hard for me to say as I was knocked cold myself and there is no recollection about the collision.

Q. Were you on your side of the road when you applied the brakes?

A. Yes sir.

Q. Was the center part of your truck there at the time your truck

struck?

A. Yes sir.

Q. Did you or did you not know that was a new truck Eddins was driving?

A. I understand that it had around over 200 miles on it.

Q. Do you know what happened to that truck in the wreck?

A. No sir, I heard some say it was damaged right bad but you know I can't go by hearsay.

Cross examination by Hon. L. G. Brooks, Attorney for Defendant.

4600

Q. How long prior to this accident had you been employed by the Sherrill Oil Company?

A. It happens that the wreck was the 18th day of July and if I had still stayed with them until the 15th of April it would have been 7 years as a whole.

Q. Was you all that a time a truck driver?

A. One year I might watched.

Q. How long had you been driving a truck with a tank on it?

A. That was the only kind I ever drove, occasionally they would take us out to the yard and put us on a stake body truck.

4700

Q. How long had you been driving from Mobile to Pensacola on this kind-of truck?

A. I had been driving nearly a year I suppose, I had been hauling and night watching for so long.

Q. You had driven gasoline trucks, is that right?

A. Yes sir.

Q. Loaded with gasoline?

A. Yes sir.

Q. Were you familiar with this highway from Mobile to Pensacola?

A. Yes sir.

Q. How had long had you driven this highway?

A. I had driven it for about a year, for several years.

4800

Q. What time of the day was this collision?

A. It was in the day time about 3:30.

Q. Was it clear and bright day?

4800

A. To my best judgement it was.

Q. Was the road straight at that point?

A. It was.

Q. Was there any curves?

A. No sir.

Q. Was there anything to obstruct your vision?

A. No sir.

Q. You spoke of a road way that led out of the highway, do you know just where that is?

A. Yes sir, it is just at -- I believe it is where Mr. Daniels lives -- in other words it was -

4900

Q. Was it a paved highway?

A. Yes sir, a side road where this road comes into the highway there was a house there it lead right by the house.

Q. Do you know Mr. Eddins the man who was killed?

A. No sir.

Q. You never had seen him?

A. No sir.

Q. You spoke about the truck, did you have any personal knowledge of that?

A. No, only that my brother told me.

Q. Now you say that you saw him turn over from his side of the road to the left?

5000

A. Yes sir.

Q. He did not ever leave ~~xxxxx~~ this side?

A. Yes sir, he got up to this road but he did not turn into it. He got bumfuzzled and decided different, he partly got to his side of the road. He acted like he was kinder scared and started to do something that he could not do.

Q. You say that he was confused?

A. Yes sir, completely confused.

Q. What did you do?

A. After I noticed that he was kinder confused I whipped back to his right. I seen he partly slowed up, I put on my brakes and was getting so close on him and I noticed that he was close to my back and I shoved on my brakes.

Q. How fast was the other truck going?

5034

A. I imagine that he was going about 25 miles an hour.

Q. He was not driving no faster than that?

A. Well, he was driving faster than that because without a doubt he was intending to beat me to the turn and make it - the turn.

Q. Did he make the turn?

A. He never turned off the highway.

Q. Was he on the right side of the road?

A. He was on the wrong side.

Q. After you approached him was he still on the wrong side of the road?

A. Yes sir.

Q. And did not you see there was danger and you took your foot off the gas and applied the brake?

A. After I first noticed that he broke to my side of the road then I let up on my gas and applied my brakes, they were air brakes and you can make them work right. Then I broke over and saw we were so close together until I decided that I better get under a slower headway, then I gave my brakes all they had and my front grabbed and I had gotten into such a way that I could not see whether he was on my side or his side.

Q. Had you been driving on your side of the road?

A. I had been driving on my side of the road but I say this if his cab and truck had not come over in front of me we would have not wrecked.

Q. If you had stayed on your side of the road?

A. No sir.

Q. Did you not make a written statement in this case?

A. Yes sir.

Q. Signed it?

A. Yes sir.

Q. Was that statement at the time of the wreck?

A. Yes sir.

Q. You signed a statement?

A. Yes sir.

Q. You say now the brakes on this car were in such condition that when you applied the brakes one front wheel would turn and make the car swerve to the left.

5378

A. Yes sir.

Q. Did it do that every time you put on the brakes?

A. Yes sir, if you shove them in.

Q. How long had the truck been in that condition?

A. I don't know, the first time I had drove it.

Q. When did you notice that condition?

A. I noticed it in the morning leaving out, I believe it was about Flomaton Alabama, I used my brakes to turn into the road towards Atmore.

Q. How soon did you notice this condition?

A. I know it was that way when I drove it about 40 miles.

Q. Was it your business to fix the brakes?

A. No sir.

Q. Who fixed them?

A. They gave the work to first one or other places, the Ford places or Chevrolet whatever the truck was.

Q. Did they have regular inspection of the trucks?

A. Possibly, I don't know.

Q. Where did you get the truck from?

A. I got it out of the Sherrill Oil Company's yard.

Q. I ask you about this statement:- Did you not in this statement that you signed say among other things:-

"on July 19, 1938, at around

3:00 P. M. I was driving a Chevrolet one and one-half (1½) ton trailer and tank truck from Mobile to Pensacola and had reached a point on the Highway about two and one-half (2½) miles out from Cochrane Bridge, when I saw this truck coming down on my side of the road. I sounded my horn three times, by that time I slowed down to the rate of 20 miles per hour and I did not move over and he broke to the left and then he turned in on me."

Did you say that?

A. Yes sir.

Q. Was that right?

A. No sir, that was not right.

Q. Now you were hurt in the same wreck were you not?

A. Yes sir.

5708

Q. They picked you up and took you to the hospital in an ambulance did they not?

A. Yes sir.

Q. You were unconscious for quite a long time and you did not regain consciousness until the ambulance bumped and you hit the top?

A. It just seems like a dream.

Q. What were the damages you received?

A. I got a fractured skull, collar bone and hand broken.

Q. How long did you stay in the hospital?

A. Two weeks.

Q. How long were you disabled?

A. I believe it was the 15th of last September when they turned me loose.

Q. You are not employed by the Sherrill Oil Company now?

A. No sir.

Q. How long since you left their employes?

A. 15th of September, 1937.

Q. You were paid compensation for you accident were you not?

A. Yes sir.

Q. By the Sherrill Oil Company.

A. No sir, by an insurance company.

Q. After you recovered, recovered sufficient to go to work they told you that you were not able to drive and they could put you to work at something else did they not?

A. Yes sir.

Q. Did they offer you another position?

A. Yes sir.

Q. What position did they offer?

A. Night watchman.

Q. You did not take it?

A. My health did not allow that.

Q. As a result you have had some friction with the Oil Company haven't you?

A. I had to have a little trouble with them to get a little compensation from them until I was able to go to work.

Q. With the insurance company?



6087

A. No sir with the Sherrill Oil Company.

Q. They reemployed you?

A. No sir.

Q. What reason did they give?

A. They told me at the time that they had nothing for me to do but night watch and I told them I would look for something else.

Q. You did not get mad?

A. No sir.

Q. You did not tell them that they should give you a job and then that they could give you something better than night watchman?

A. I told them that they had not treated me right, should give me something I could do.

Q. Did not you have an argument with some representative on their part as well as yours and you refused to discuss it and you told them that they were not treating you right?

A. I told them that they should give me a job that I could do.

Q. And did you tell that that should give you a better job than night watchman?

A. Yes sir, I told them that.

Q. Do you know Mrs. Eddins, the widow of this man?

A. No sir.

Re-Direct examination by Hon. J. B. Blackburn, Attorney for Plaintiff.

Which road, were you on U. S. Highway 31 or U. S. Highway #90?

A. #31.

6200

Q. Why were you on Highway #31 instead of Highway #90?

A. I was going on up and turn into that road that goes into Mobile as they were working on the road up there.

Q. What were you loaded with?

A. Gasoline.

Q. How much?

A. 15, 12 gallons.

Q. About the brakes when did you know there was something wrong with them?

A. When I first got in but whenever I turned at Flomaton I reached

in and stepped on my brakes I noticed that the left-front wheel turned in a little. <sup>6500</sup>

Q. Did you have definite instructions what to do that day?

A. Yes sir.

Q. Was that a part of a days work or a full days work, would it take a whole day.

A. It would have taken a whole day.

Q. If you had stopped to fix the brakes could you have done the work?

A. No sir.

Q. You knew all day the brakes were in that condition?

A. Yes sir.

Q. Explain the circumstances under which your other statement was made, that you gave and when.

A. The reason that I made that statement were it was before I could even realize or get hold in my mind how it happened when they came over to the hospital, some of the employees and everybody said that I was perfectly clear and everything and everybody seem to think this fellow Eddins was drunk and that he was the cause of the accident and all thought so as saw me and I could not recollect just how it happened because I could not get in all my mind for a month before I could remember quite back so I just went ahead and told the statement to stay in the clear. <sup>6500</sup>

Q. Who told you what to say?

A. Not anybody.

Q. Who came to see you?

A. Not anybody.

Q. Who was it talked with you?

A. Some insurance man.

Q. Was the statement made in the hospital?

A. No sir.

Q. At the time did he ask you anything about the brakes?

A. No sir.

Q. At the time did he ask you about the speed?

A. He asked about the speed I told him about 25 miles per hour.

Q. When you were really going about 45 miles?

A. I was driving around 45 miles per hour. <sup>6500</sup>

661

Cross Examination by L. G. Brooks, Attorney for Defendant:-

Q. As I understand you, this statement Mr. Milstead, what you stated in this statement, what I ask you is ~~is~~ do you say that this statement you made is incorrect?

A. Some of it is incorrect.

Q. You said you made it but it was incorrect?

A. Yes sir.

Q. When you made the statement you were trying to get yourself in the clear?

A. I was trying to stay in the clear.

Q. Even though the statement you made might not have been accurate.

A. No sir.

Q. Now you say something different?

A. I have told the truth now.

Q. The reason you told it before you wanted to keep in the clear?

A. That's right.

Q. You might have told somthings that were not so?

A. I probably did.

L. H. Milstead

6765

CERTIFICATE.

I, Olive Nelson, as Special Commissioner, do hereby certify that the foregoing deposition of the witness, L. H. Milstead, was taken by me as Special Commissioner, in accordance with the foregoing agreement and at the time and place mentioned therein; every question and answer was taken down, and when completed was carefully read to and subscribed by the said witness, who signed the same in my presence on the 24<sup>th</sup> day of May, 1938. I have personal knowledge of the identity of the said witness and am not of counsel or kin to any of the parties to said cause or in any manner interested in the result thereof.

Given under my hand and seal this 6<sup>th</sup> day of June, 1938.

Olive Nelson (SEAL)  
Special Commissioner.

6801

OPAL EDDINS, Administratrix of the  
ESTATE OF CHARLIE METZ EDDINS,  
Deceased,

Plaintiff,

versus

SHERRILL OIL COMPANY, a corporation,  
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW - NO. \_\_\_\_\_

COMES your petitioner, Sherrill Oil Company, a corporation, the defendant in the above styled cause, and shows unto this Honorable Court:

1. That the plaintiff in this suit was, at the time of the commencement of this suit, and ever since has been and now is a resident and citizen of the State of Alabama; that at the time of the commencement of this suit and ever since your petitioner, Sherrill Oil Company, was and still is a non-resident of the State of Alabama, and was and still is a corporation duly formed, created, and organized under and by virtue of the laws of the State of Ohio, and was then and still is a citizen and resident of the State of Ohio, having its principal place of business therein; that the amount in dispute in the above entitled cause exceeds the sum of \$3000.00, exclusive of costs and interest, and that the suit as to your petitioner and the plaintiff was, at the time of filing, and still is a controversy wholly between citizens of different states;

2. That the time within which the said defendant is required by the laws of the State of Alabama and the rules and practice of the Circuit Court of Baldwin County, Alabama, to answer or plead in said suit has not yet expired.

Your petitioner makes and files herewith a bond in the sum of Five Hundred Dollars (\$500.00) for its entering in the District Court of the United States for the Southern District of Alabama, Southern Division, within thirty days from the date of filing this petition, a copy of the record in this suit, and for

OPAL EDDINS, Administratrix of the  
ESTATE OF CHARLIE METZ EDDINS,  
Deceased,

Plaintiff,

versus

SHERRILL OIL COMPANY, a corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW - NO. \_\_\_\_\_

COMES your petitioner, Sherrill Oil Company, a corporation, the defendant in the above styled cause, and shows unto this Honorable Court:

1. That the plaintiff in this suit was, at the time of the commencement of this suit, and ever since has been and now is a resident and citizen of the State of Alabama; that at the time of the commencement of this suit and ever since your petitioner, Sherrill Oil Company, was and still is a non-resident of the State of Alabama, and was and still is a corporation duly formed, created, and organized under and by virtue of the laws of the State of Ohio, and was then and still is a citizen and resident of the State of Ohio, having its principal place of business therein; that the amount in dispute in the above entitled cause exceeds the sum of \$3000.00, exclusive of costs and interest, and that the suit as to your petitioner and the plaintiff was, at the time of filing, and still is a controversy wholly between citizens of different states;

2. That the time within which the said defendant is required by the laws of the State of Alabama and the rules and practice of the Circuit Court of Baldwin County, Alabama, to answer or plead in said suit has not yet expired.

Your petitioner makes and files herewith a bond in the sum of Five Hundred Dollars (\$500.00) for its entering in the District Court of the United States for the Southern District of Alabama, Southern Division, within thirty days from the date of filing this petition, a copy of the record in this suit, and for

paying all costs that may be awarded by the said District Court of the United States if it shall hold that this suit was wrongfully or improperly removed thereto;

WHEREFORE, your petitioner prays that this Honorable Court will proceed no further herein, except to accept this petition and said bond and to make an order of removal, as is required by law, and to cause the record herein to be filed in the District Court of the United States for the Southern District of Alabama, Southern Division, at Mobile, Alabama, in which said district the county of Baldwin, in the State of Alabama, is embraced.

SHERRILL OIL COMPANY, a corporation,

By F. W. Sherrill  
Its president.

Fisher & Fisher  
Smith & Johnston  
Attorneys for Petitioner

STATE OF FLORIDA     )  
                              )  
ESCAMBIA COUNTY     )

Before me, the undersigned authority in and for said state and county, personally appeared F. W. Sherrill, who, upon being first duly sworn, on oath deposes and says that he is President of Sherrill Oil Company, a corporation, and as such officer is duly authorized to make this affidavit on behalf of said Sherrill Oil Company; that he has personal knowledge of the statements contained in the foregoing petition and that the same are true.

F. W. Sherrill

Subscribed and sworn to before  
me this 3rd day of June, 1938.

Mary A. Fryer  
Notary Public for the State of Florida at large  
Notary Public, State of Florida at Large  
My Commission Expires Apr. 10, 1940  
My commission expires \_\_\_\_\_

RECORDED and Time Recorded.  
408-9.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW - NO. \_\_\_\_\_

OPAL EDDINS, Administratrix  
of the ESTATE OF CHARLIE  
METZ EDDINS, deceased,

Plaintiff,

versus

SHERRILL OIL COMPANY, a  
corporation,

Defendant.

PETITION FOR REMOVAL

Filed this 6 day of June 1935  
R. S. Dyer  
Clerk-Register

FISHER & FISHER  
SMITH & JOHNSTON

Attorneys for Defendant



OPAL EDDINS, Administratrix of  
the Estate of Charlie Metz Eddins,  
Deceased,

Plaintiff,

VS. 1100

SHERRILL OIL COMPANY, a Corporation,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER \_\_\_\_\_

NOTICE

TO MR. J. B. BLACKBURN, ATTORNEY OF RECORD FOR THE PLAINTIFF IN THE  
ABOVE STYLED CAUSE:

Please take notice that Sherrill Oil Company, the Defendant in this cause, intends to and will, on the 6<sup>th</sup> day of June, 1938, file in the Circuit Court of Baldwin County, Alabama, a petition and bond in the form hereto attached for the removal of said cause to the District Court of the United States for the Southern District of Alabama, Southern Division, and upon the filing of said petition and bond, the Defendant will as soon thereafter as counsel may be heard, move the said court for an order of removal of this cause to the said District Court of the United States for the Southern District of Alabama, Southern Division.

DATED this 6<sup>th</sup> day of June, 1938.

Fisher & Fisher

Smith & Johnston  
Attorneys for Defendant.

STATE OF ALABAMA

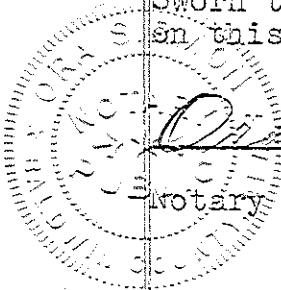
BALDWIN COUNTY

Before me, the undersigned authority, within and for  
said County in said State, personally appeared Dan T. McCall, Jr.,  
who, after being by me first duly and legally sworn, on oath  
deposes and says: That he is one of the attorneys for the Sherrill

Oil Company, a Corporation, Defendant in the above entitled cause,  
and that on the 6th day of June, 1938, he served copy of the  
Petition for Removal, Bond, and Notice of Removal, on Mr. J. B.  
Blackburn, Attorney of Record for the Plaintiff in the above  
entitled cause.

Sam T. In & Co. Jr.

Sworn to and subscribed before me  
on this the 6th day of June, 1938.



Sam T. In & Co. Jr.

Notary Public, Baldwin County, Alabama.

RECORDED *Civil Time Record*  
*409-10.*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW - NO. \_\_\_\_\_

OPAL EDDINS, Administratrix  
of the Estate of CHARLIE  
METZ EDDINS, deceased,

Plaintiff,

versus

SHERILL OIL COMPANY, a  
corporation,

Defendant.

NOTICE OF REMOVAL

Filed this *6* day *January* 19 *33*  
... *R.S. Duce* :  
Clerk-Register

FISHER & FISHER  
SMITH & JOHNSTON

Attorneys for Defendant

OPAL EDDINS, Administratrix of the ESTATE OF CHARLIE METZ EDDINS, Deceased,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
versus	)	
	)	AT LAW - NO. _____
SHERRILL OIL COMPANY, a corporation,	)	
Defendant.	)	

B O N D

KNOW ALL MEN BY THESE PRESENTS THAT Sherrill Oil Company, a corporation, a resident and citizen of the State of Ohio, as principal, and The Indemnity Insurance Company of North America, as surety, are held and firmly bound unto Opal Eddins, Administratrix of the Estate of Charlie Metz Eddins, deceased, plaintiff in the above styled cause, in the sum of Five Hundred Dollars (\$500.00), for the payment of which well and truly to be made we bind ourselves, our successors and assigns, jointly and severally, firmly by these presents.

The CONDITION of the above obligation is such that, whereas the said Sherrill Oil Company has filed its petition in this court for the removal of said above entitled cause to the District Court of the United States for the Southern District of Alabama, Southern Division, at Mobile, Alabama, now if the said Sherrill Oil Company shall enter in said District Court of the United States, at Mobile, Alabama, within thirty days after filing said petition, a copy of the record in said suit, and shall well and truly pay all costs that may be awarded by the District Court of the United States if said court shall hold that said suit was wrongfully or improperly removed thereto, then this obligation shall be void; otherwise, to remain in full force and effect.

WITNESS our hands this 2nd day of June, 1938.

<sup>2000</sup>  
SHERRILL OIL COMPANY, a corporation,

By Smith & Johnson  
(principal)

THE INDEMNITY INSURANCE COMPANY OF  
NORTH AMERICA,

By Wm. H. Boyles as atty. in fact  
By Ben H. Turner as atty. in fact  
(surety)

*Civil Third Record 8*  
*410*  
RECORDED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA 1700  
AT LAW - NO. \_\_\_\_\_

OPAL EDDINS, Administratrix  
of the ESTATE OF CHARLIE  
METZ EDDINS, Deceased,

plaintiff,

versus

SHERILL OIL COMPANY, a  
corporation,

Defendant.

B O N D

Filed this 6 day June 1938  
P. S. Duck  
Clerk-Register

SHERRILL OIL COMPANY, a corporation,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW - NO.

ORDER

The defendant herein having, within the time provided by law, filed its petition for removal of this cause to the District Court of the United States for the Southern District of Alabama, Southern Division, at Mobile, Alabama, and having at the same time offered its bond in the sum of \$500.00 with The Indemnity Insurance Company of North America, good and sufficient surety, pursuant to the statute and conditioned according to law;

NOW, THEREFORE, this court does hereby accept and approve said bond and accepts said petition and does order that this cause be removed for trial to the District Court of the United States for the Southern District of Alabama, Southern Division, pursuant to the statutes of the United States, and that all proceedings of this court be stayed, and the Clerk is hereby directed to make up a certified copy of the record in said cause for transmission to the District Court<sup>1000</sup> forthwith.

DATED this 7<sup>th</sup> day of June, 1938.

F. W. Hare  
JUDGE

RECORDED

*Civil Time Record*  
8-410

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW - NO.           

OPAL EDDINS, Administratrix  
of the ESTATE OF CHARLIE  
METZ EDDINS, Deceased,

*800*

Plaintiff,

versus

SHERRILL OIL COMPANY, a  
corporation,

Defendant.

ORDER

*Filed this 8 day of August 1938*  
*R. S. Dyer*  
Clerk, Registrar