

34666

GRADY THAMES,

Plaintiff,

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, a cor-
poration, and H. C. ROTON
and O. C. HAWSEY,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Come the Defendants in the above styled cause, separately and severally, and demurs to the amended complaint filed in said cause and assign the following separate and several grounds, viz:

1. That said amended complaint does not state a cause of action.
2. That said amended complaint improperly joins separate causes of action in the same count.
3. For aught that appears the Defendants have breached no duty owing to the Plaintiff.
4. That the place where the accident occurred is not sufficiently set out.

FILED

JUN 6 1953

ALICE L. DUCK, CLERK
REGISTER

Charles Stone
Attorneys for Defendants.

GRADY THAMES,
Plaintiff

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, a cor-
poration, and H. C. ROTON,
and O. C. HAWSEY,
Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

AMENDED COMPLAINT

Now comes the plaintiff, by his attorney, and amends his complaint in this cause so that the same shall read as follows:

The plaintiff claims of the defendants the sum of TWENTY-ONE HUNDRED AND FIFTY-SEVEN and no/100(\$2157.00) DOLLARS as damages for that on, to-wit: March 12, 1957, the defendant, Louisville & Nashville Railroad Company, a corporation, operated a railroad in Baldwin County, Alabama, over and upon which the said defendant ran trains for the transportation of freight for hire, and that on said date the said defendant's railroad intersected at grade level a paved public highway or public road, said public highway or public road being known as the Brewton Road, within the City Limits of Robertsedale, Alabama, in Baldwin County, and then and there the said defendants, H. C. Roton and O. C. Hawsey, the agents, servants, or employees of the defendant, Louisville and Nashville Railroad Company, a corporation, while acting within the line and scope of their said employment, negligently ran a locomotive or train into, upon or against the plaintiff's automobile which was being driven by the plaintiff, and as a proximate result and consequence thereof, the plaintiff's automobile was demolished.

FILED

MAY 27 1958

ALICE I. DUCK, CLERK

James M. News, Jr.
Attorney for Plaintiff

*We the jury find for the defendant
and comprehend that the guilty of
negligence and recommended that
both party pay their own
damages*

H. A. Guthrie

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN LAW, NO. 3466.

GRADY THAMES,

PLAINTIFF

VS.

LOUISVILLE AND NASHVILLE
RAILROAD COMPANY, a corporation,
and H. C. ROTON, and O. C.
HAWSEY,

DEFENDANTS

AMENDED COMPLAINT

FILED

MAY 27 1958

ALICE J. DUCK, Clerk

J. CONNOR OWENS, JR.

ATTORNEY AT LAW

101 Court House Square

BAY MINETTE, ALABAMA

STATE OF ALABAMA
BALDWIN COUNTY

||
||
||

SUMMONS

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon the Louisville & Nashville Railroad Company, a corporation, and H. C. Roton and O. C. Hawsey to appear within thirty(30)days from the service of this writ in the Circuit Court to be held for said county at the place of holding same, then and there to answer the complaint of Grady Thames.

WITNESS my hand this the 3 day of March, 1958.

Reuben J. Hensick
Clerk of Circuit Court

The defendant, Louisville & Nashville Railroad Co., a corporation, can be served by delivering a copy of this summons and complaint to L. Forte, as its agent, Bay Minette, Alabama.

H. C. Roton resides at 1963 Mulberry Street, Montgomery, Alabama

O. C. Hawsey resides at Jay, Florida, but may be served at the L&N Station in ~~Montgomery~~, Alabama.

Honorable

Executed
Mar. 7, 1958
By service on
L. Forte, Agent
Saylor & Hines
Attorneys

GRADY THAMES,

Plaintiff

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, a cor-
poration, and H. C. ROTON,
and O. C. HAWSEY,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW.

The plaintiff claims of the defendants the sum of TWENTY-ONE HUNDRED AND FIFTY-SEVEN and no/100(\$2157.00) DOLLARS as damages for that on, to-wit: March 12, 1957, the defendant, Louisville & Nashville Railroad Company, a corporation, operated a railroad in Baldwin County, Alabama, over and upon which the said defendant ran trains for the transportation of freight for hire, and that on said date the said defendant's railroad ran across or over a paved public highway or road, said public highway or road being known as the Brewton Road, within the City Limits of Robertsdale, Alabama, in Baldwin County, and then and there the said defendants, H. C. Roton and O. C. Hawsey, the agents, servants, or employees of the defendant, Louisville and Nashville Railroad Company, a corporation, while acting within the line and scope of their said employment, negligently ran a locomotive or train into, upon or against the plaintiff's automobile which was being driven by the plaintiff, and as a proximate result and consequence thereof, the plaintiff's automobile was demolished.


Attorney for Plaintiff

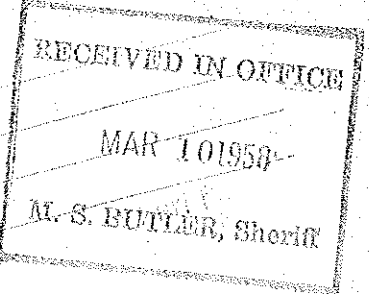
Plaintiff demands a trial of
this cause by jury.


Attorney for Plaintiff

nd on day of March 1958
served a copy of the within B. & C.
Louisville & Nashville Railroad
Co., a Corp.
By service of J. Forte Agent
R. E. Emons

Executed this 13
day of March 1958
by serving a copy on
O.C. Hawsey
Otis R. Emons

TAYLOR WILKINS, Sheriff
By W. A. Tolbert D. S.



EXECUTED BY SERVING A
COPY OF THE WITHIN
H. C. Roton

Sheriff claims 32 miles at
Ten Cents per mile total of \$ 3.20
OTIS EMMONS, Sheriff
By Otis R. Emons
DEPUTY SHERIFF

This the 10 day of March 1958
M. S. BUTLER
Sheriff Montgomery County
By Goodwyn
Deputy Sheriff

The Sheriff claims 4
miles at 10c per mile for a total
of \$ 409
M. S. Butler, Sheriff
Montgomery County, Ala.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW, NO. 3466

GRADY THAMES,
Plaintiff

vs.

LOUISVILLE AND NASHVILLE RAIL-
ROAD COMPANY, a corp., and
H. C. ROTON, and O. C. HAWSEY

Defendants

SUMMONS AND COMPLAINT

FILED
MAR 3 1958

ALICE J. DUCK, Clerk

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
101 Court House Square
BAY MINETTE, ALABAMA

GRADY THAMES,	X	
Plaintiff,	X	
vs.	X	IN THE CIRCUIT COURT OF
	X	
LOUISVILLE & NASHVILLE	X	BALDWIN COUNTY, ALABAMA
RAILROAD COMPANY, A Cor-	X	
poration, and H. C. ROTON	X	AT LAW
and O. C. HAWSEY,	X	
Defendants.	X	

Come the Defendants in the above styled cause and for plea to the amended complaint in said cause, say:

1. Not guilty.
2. That at the time and place complained of in the amended complaint the Plaintiff was himself guilty of negligence which proximately contributed to his alleged injury and damages in that he so negligently operated his motor vehicle as to cause or to allow the same to run into, upon or against the train of the Defendant Louisville & Nashville Railroad Company, a corporation.
3. That at the time and place set forth in the amended complaint, the Plaintiff was then and there guilty of negligence which proximately contributed to his alleged damage in that the Plaintiff was a traveler upon a public highway crossing a railroad track of the Defendant, Louisville & Nashville Railroad Company, a corporation, in Baldwin County, Alabama, and the Plaintiff failed to stop, look and listen for approaching trains before going upon and crossing said railroad track.
4. That at the time and place set forth in the amended complaint and in the same accident for which the Plaintiff claims damages in his complaint, Plaintiff was then and there guilty of negligence which proximately contributed to his alleged damage in that Plaintiff was a traveler upon a public highway crossing a railroad track of the Defendant Louisville & Nashville Railroad Company a corporation, in Baldwin County, Alabama, and the Plaintiff negligently failed to stop, look and listen for approaching trains before going upon and crossing said railroad track.
5. That at the time and place set forth in the amended complaint and in the same accident for which Plaintiff claims damages in his complaint, Plaintiff was then and there guilty of negli-

gence which proximately contributed to his damage in that the Plaintiff was driving his automobile at a negligent and unlawful speed as he approached and entered upon said railroad crossing.

6. That at the time and place set forth in the amended complaint and in the same accident for which Plaintiff claims damages in his complaint, Plaintiff then and there was guilty of negligence which proximately contributed to his damage in that Plaintiff was driving his automobile at a negligent speed as he approached and entered upon said railroad crossing.

7. That at the time and place set forth in the complaint and in the same accident for which Plaintiff claims damages in his complaint, Plaintiff then and there was guilty of negligence which proximately contributed to his damage in that Plaintiff was driving his automobile at an unlawful speed as he approached and entered upon said railroad crossing.

The Defendant, Louisville & Nashville Railroad Company, a corporation, pleads by way of recoupment as follows:

a. The Defendant Louisville & Nashville Railroad Company, a corporation, claims of the Plaintiff by way of recoupment the sum of One Thousand Dollars (\$1,000.00) as damages for that on to-wit: March 12, 1957, the Plaintiff negligently drove his automobile into or against an engine owned by the Defendant Louisville & Nashville Railroad Company and which was then and there being driven along its railroad track at a point in Baldwin County, Alabama, where a public highway or public road known as the Brewton Road intersects such railroad, within the city limits of Robertsdale, Alabama, and as a proximate result and consequence of the Plaintiff's negligence such Defendant was damaged in this: the left side of the engine was damaged and bent under the cab so that the engine would not run and it was necessary for the Defendant to get another engine out of Mobile, Alabama, to move the damaged engine and train which it was pulling, the crew on such train was caused to work overtime in moving such train, it was necessary to rent a taxi to carry the engineer and the fireman and conductor to Mobile to get the other engine and the

Defendant Louisville & Nashville Railroad Company lost the use of such engine for approximately three days, all to the damage of the Defendant Louisville & Nashville Railroad Company, a corporation, in the amount sued for.

FILED

JUN 30 1958

**ALICE L. DUCK, CLERK
REGISTER**


Attorneys for Defendants

PLEAS

GRADY THAMES,

Plaintiff,

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, A Cor-
poration, and H. C. ROTH
and O. C. HAWSEY,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED
JUN 30 1958
MARGIE L. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

GRADY THAMES,

Plaintiff,

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, A Cor-
poration, and H. C. ROTON
and O. C. HAWSEY,

Defendants.

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes the Defendant Louisville & Nashville Railroad Company
moves to strike
and ~~demurs to~~ Plea "2" filed by the Plaintiff in said cause to the
Plea of Recoupment filed by the Defendant Louisville & Nashville
Railroad Company, a corporation, and assigns the following separate
and several grounds, viz:

1. That said Plea does not state a proper defense to such
Plea of Recoupment.

2. That said Plea refers to the Defendant's agents, sev-
vants or employees and does not state which Defendant is referred to.

3. That said Plea does not state that the agents, servants
of employees of the Defendant were acting within the line and scope
of their employment at the time the accident occurred.

4. That said Plea does not allege that the negligence of
the Defendants acting through their agents, servants or employees
was the proximate cause of the injury.

5. That the allegation in such Plea that "they so negli-
gently operated the train" does not allege who is referred to.

6. That the allegation in the Plea "that they so negli-
gently operated the train as to cause or allow the same to run into,
upon or against the Plaintiff's vehicle" is but a conclusion of the
pleader and does not state sufficient facts.

FILED

AUG 2 1958

ALICE L. DUCK, CLERK
REGISTER

Shannon & Stone
Attorneys for Defendants

GRADY THAMES,

Plaintiff,

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, a cor-
poration, and H. C. ROTON,
and O. C. HAWSEY,

Defendants.

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

DEMURRER:

Come the Defendants in the above styled cause, separately and severally, and demurs to the complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That the allegation in said complaint that the railroad ran across or over a public highway, fails to state that they intersect each other.
3. That the allegation that the railroad ran over a public highway is but a conclusion of the pleader and from this allegation the highway could have been an underpass.
4. The allegation in the complaint that the railroad ran across or over a paved public highway or road fails to allege that it was a public road.
5. That said complaint does not state any duty owing by any of the Defendants to the Plaintiff.
6. From aught that appears from said complaint the Plaintiff was a trespasser at the time of his alleged damages.
7. That said complaint does not allege that the Defendants negligently injured the Plaintiff.
8. That said complaint improperly joins separate causes of action in the same count.
9. For aught that appears the Defendants breached no duty owing to the Plaintiff.
10. For aught that appears from said complaint the Plaintiffs alleged damages were not proximately caused by the negligence of the Defendants.

11. For aught that appears from said complaint the alleged agents, servants or employees of the Defendant Louisville & Nashville Railroad Company, were not acting within the line and scope of their employment at the time and place of said accident.

12. It affirmatively appears from said complaint that the alleged agents, servants or employees of the Defendant Louisville & Nashville Railroad Company were not acting within the line and scope of their employment at the time and place of said accident.

FILED

MAR 18, 1958

AUCE J. DUCK, CLERK
REGISTER


Attorneys for Defendants

GRADY THAMES,
Plaintiff

VS.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY ET AL.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW

DEMURRER

FILED

MAR 18 1958

ALICE J. BUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

GRADY THAMES,

Plaintiff

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, A Cor-
poration, and H.C. ROTON
and O.C. HAWSEY,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes the Plaintiff in the above styled cause and for
answer to the recoupment in said cause, says:

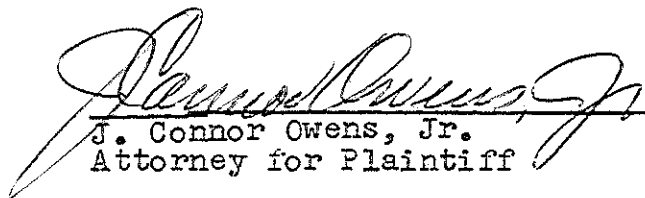
1. Not guilty.

2. That at the time and place complained of in the plea
of recoupment the Defendant's agents, servants or employees,
while acting in the line and scope of their activities, were
guilty of negligence which proximately contributed to the
alleged injury and damages in that they so negligently operated
the train as to cause or to allow the same to run into, upon
or against the Plaintiff's vehicle.

FILED

JUL 23, 1958

ALICE I. DUCK, CLERK
REGISTER


J. Connor Owens, Jr.
Attorney for Plaintiff

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW NO. 3466.

GRADY THAMES,

Plaintiff

vs.

LOUISVILLE & NASHVILLE RAIL-
ROAD COMPANY, a corporation,
and H. C. KOTON and O. C.
HAWSEY,

Defendants

PLAINTIFF'S ANSWER TO DEFENDANT'S
PLEA OF RECOUPMENT

FILED
JUL 23 1958
ALICE J. DUCK, Clerk

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
101 Court House Square
BAY MINETTE, ALABAMA

GRADY THAMES,	X		
	X	IN THE CIRCUIT COURT OF	
Plaintiff,	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
LOUISVILLE & NASHVILLE	X	AT LAW	NO. 3466
RAILROAD COMPANY, A COR-	X		
PORATION, H. C. ROTON and	X		
O. C. HAWSEY,	X		
Defendants.	X		

Come the Defendants in the above styled cause and demur to the amended complaint and Count Two as contained in the amendment to the amended complaint, separately and severally and assign the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That Count Two fails to state that the Defendants willfully or wantonly injured the Plaintiff.
3. That Count Two claims damages for willful or wanton injury without stating specifically which is relied upon.
4. That Count Two is vague and indefinite as to what train the Defendants H. C. Roton and O. C. Hawsey were operating or the respective duties of each Defendant.
5. That there is a misjoinder of causes of action.
6. That it is not alleged that there was any duty owing by either Defendant to the Plaintiff.
7. That said complaint improperly joins separate causes of action.
8. That said complaint characterizes the act rather than the injury as willful or wanton.
9. That Count Two seeks to recover damages from only two Defendants while three Defendants are sued.
10. That Count Two does not seek to recover damages from all of the Defendants who are sued.
11. That the Complaint is brought against three Defendants and each count thereof does not state nor purport to state a cause of action against all of the Defendants who are sued.
12. That there is a misjoinder of parties sued in that each count does not seek to recover from all Defendants sued.

FILED

OCT. 20. 1958

ALICE L. DUCK, CLERK
REGISTER

152

Harold Stone
Attorneys for Defendants

DEMURRER

GRADY THAMES,

Plaintiff,

vs.

LOUISVILLE & NASHVILLE RAILROAD
COMPANY, A CORPORATION, H. C.
ROTON and O. C. HAWSEY,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3466

FILED

OCT 20 1958

ALICE J. DUCK, CLERK
REGISTRY

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

GRADY THAMES,

Plaintiff

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, a cor-
poration, and H. C. ROTON
and O. C. HAWSEY,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

No. 3466

AMENDMENT TO AMENDED COMPLAINT

Now comes the plaintiff, by his attorney, and amends his amended complaint by adding thereto the following as Count II:

COUNT II

The plaintiff claims of the defendants, H. C. Roton and O. C. Hawsey, the sum of TWO THOUSAND ONE HUNDRED AND FIFTY-SEVEN AND NO/100(\$2157.00)DOLLARS as damages for that on, to-wit: March 12, 1957, the defendants, H. C. Roton and O. C. Hawsey, were operating a locomotive or train over and upon a railroad in Baldwin County, Alabama, and that on said date, the said railroad intersected at grade level a paved public highway or public road, said public highway or public road being known as the Brewton Road, within the City Limits of Robertsedale, Alabama, in Baldwin County, and then and there the said defendants, H. C. Roton and O. C. Hawsey, so wilfully or wantonly ran a locomotive or train into, upon or against the plaintiff's automobile, which was being operated by the plaintiff, and as a proximate result and consequence of said wilful or wanton acts on the part of the defendants, H. C. Roton and O. C. Hawsey, the Plaintiff's automobile was demolished.

FILED

AUG 29 1958

WILLIAM J. CLARK
CLERK
REGISTER

James R. Jones, Jr.
Attorney for Plaintiff

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW NO. 3466.

GRADY THAMES,

PLAINTIFF

VS.

LOUISVILLE AND NASHVILLE
RAILROAD COMPANY, a corporation,
and H. C. ROTON, and O. C.
HAWSEY,

DEFENDANTS

AMENDMENT TO AMENDED COMPLAINT

FILED

2-4-08
AUG 20 1908

ALICE J. DUCK, CLERK
REGISTER

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
101 Court House Square
BAY MINETTE, ALABAMA

GRADY THAMES,

Plaintiff,

VS.

LOUISVILLE & NASHVILLE RAILROAD
COMPANY, A CORPORATION, ET AL.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

ORDER TO SUBPOENA WITNESS

FILED

JUL 31 1958

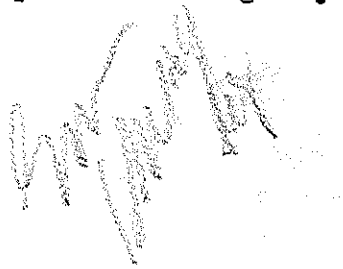
ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

11. The Court charges the jury that under the law it is the duty of a person intending to cross a railroad track to stop, look and listen for approaching trains, and this use of the senses must be made within such nearness to the track and under such circumstances as will afford the traveler the knowledge whether or not he can cross the track with reasonable safety from collision with an approaching train. And the Court further charges you that this duty is a continuing one to the extent of excluding the injection of an element of danger in his attempt to cross between the time he last stopped, looked and listened, if he did so, and the time he entered the zone of danger made by trains entering the crossing. If you are reasonably satisfied from the evidence that plaintiff failed so to do, then I charge you that plaintiff was guilty of contributory negligence as a matter of law.



43666
GRADY THAMES,

Plaintiff,

vs.

LOUISVILLE & NASHVILLE RAIL-
ROAD COMPANY, A CORPORATION,
ET AL.

Defendants.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

ANSWERS TO INTERROGATORIES

* * * * *

FILED

AUG 27 1903

ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

GRADY THAMES,

Plaintiff

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, a cor-
poration, and H.C. ROTON,
and O.C. HAWSEY,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

INTERROGATORIES TO THE DEFENDANT, H.C. ROTON:

Comes the plaintiff in the above styled cause and propounds interrogatories to the defendant, H.C. Roton, as follows:

1. State your correct name.
2. State your correct age.
3. State by whom you were employed on the 12th day of March, 1957.
4. If answer to the preceding question is the Louisville and Nashville Railroad Company, please state in what capacity you were employed.
5. How long had you been so employed?
6. State whether or not you were operating a train belonging to the said Louisville & Nashville Railroad Company at about 6:00 p.m., on March 12, 1957, at a point in Baldwin County, Alabama, within the City Limits of Robertsedale, Alabama, where the railroad intersects a paved public highway known as the Brewton Road.
7. Please state whether or not at the time mentioned in the previous question your train collided with a 1956 Buick automobile.
8. Please state the number of times that you have operated a train over the route which you were following.
9. State whether or not the accident referred to above happened during daylight.
10. State the weather conditions on the occasion of the accident.
11. Where were you going on said occasion?
12. Where were you coming from on said occasion?
13. State whether or not anyone else was with you in the cab at the time of the accident.
14. State where the other person, if any, was located at the time of the accident.
15. State whether or not you were keeping a clear lookout ahead.
16. State whether or not other occupant of the cab, if any, was keeping a lookout ahead.
17. State the speed of your train in miles per hour as accurately as you can at the following points:

- a) Point of collision.
- b) At point 25 feet before reaching point of accident.
- c) At point 50 feet before reaching point of accident.
- d) At point 100 feet before reaching point of accident.
- e) At point 150 feet before reaching point of accident.
- f) At point 200 feet before reaching point of accident.
- g) At point 250 feet before reaching point of accident.

18. Were your brakes in good shape?

19. Did you see the vehicle in which the plaintiff was riding prior to the collision?

20. If so, state how far your train traveled from the moment that you first saw the vehicle until the time of collision.

21. State what part of the train came into collision with the plaintiff's vehicle.

22. What part of the plaintiff's vehicle came into contact with your train?

23. Where did your train come to rest after the collision?

24. Did you move your train after it came to rest?

25. Did you move the train before the arrival of Ed Leigh Steadham, Deputy Sheriff?

26. Did you move the train before the arrival of Ham Hall, City Policeman?

27. Where did the plaintiff's automobile come to rest after the collision?

28. State whether you were traveling in a northerly direction or in a southerly direction.

29. State whether or not the railroad tracks are straight at and near the point of the accident. If so, for what distance is the track straight?

30. State whether or not the railroad tracks are curving immediately south of the point of collision. If so, describe the curve.

31. State whether or not there is a railway cut immediately south of the point of collision. If so, describe the depth of the cut.

32. State whether or not the approaches of Brewton Road from the west may be observed from the cab of the locomotive without obstruction. If so, state how far down the tracks is such approach unobscured.

33. Describe the visibility that existed at and near the point of the accident on said occasion.

34. Was there anything wrong with your sense of vision as you approached the crossing?

35. Could you see the station at Robertsdale from the point of collision?

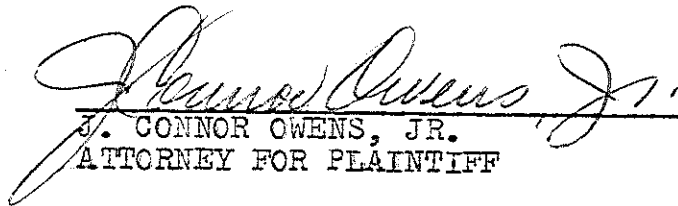
36. How far from the point of collision is the Stationhouse at Robertsdale?

37. Did you know that you were within the City Limits of Robertsdale?

38. Please describe your duties fully as an engineer of a train.

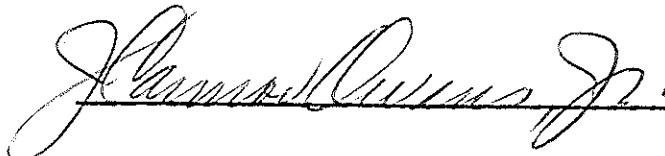
39. How high from the ground do you sit while operating a train?

40. Are you familiar with the duties of a fireman on the train which you were operating. If so, please describe in detail the duties of a fireman.

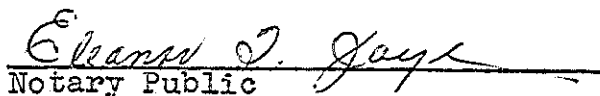

J. CONNOR OWENS, JR.
ATTORNEY FOR PLAINTIFF

STATE OF ALABAMA i
BALDWIN COUNTY i

Before me, the undersigned authority in and for said county in said state, personally appeared J. Connor Owens, Jr., who, being duly sworn, on oath says that he is of counsel for said plaintiff and has authority to make this affidavit; that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the plaintiff on the trial of this cause.



Sworn to and subscribed before
me this 2 day of July, 1958.


Notary Public

Received 3 day of July 1958
and on 3 day of July 1958
served a copy of the within Interrogatories
on Chason and
Stone
By service on John Chason

TAYLOR WILKINS, Sheriff
By W. A. Zolbert D. S.
o m

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW NO. 3466

GRADY THAMES,

Plaintiff

vs.

LOUISVILLE & NASHVILLE RAILROAD
COMPANY, a corporation, and
H. C. ROTON, and O. C. HAWSEY,

Defendant

INTERROGATORIES TO THE DEFENDANT,
H. C. ROTON

FILED
JUL 3 1958
ALICE J. DUCK, Clerk

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
101 Court House Square
BAY MINETTE, ALABAMA

3468
GRADY THAMES,

Plaintiff,

vs.

LOUISVILLE & NASHVILLE RAILROAD
COMPANY ET AL.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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ANSWERS TO INTERROGATORIES

* * * * *

FILED

AUG 27 1958

AUDIE J. DUCK, CLERK
REGISTER

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

GRADY THAMES,

Plaintiff

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, a cor-
poration, and H.C. ROTON,
and O.C. HAWSEY,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

INTERROGATORIES TO THE DEFENDANT, O.C. HAWSEY:

Comes the plaintiff in the above styled cause and
propounds interrogatories to the defendant, O.C. Hawsey,
as follows:

1. Please state your name.
2. Please state your age.
3. Please state your employer on March 12, 1957, at or about 6:00 p.m.
4. Please state whether or not at the date and time mentioned in the previous question, you were the fireman on a train owned by the defendant, Louisville and Nashville Railroad Company, which train was involved in a collision with a 1956 Buick automobile in Baldwin County, Alabama, where the Louisville and Nashville tracks intersect a public road or public highway known as Brewton Road.
5. If your answer to the preceding question is in the affirmative, please state whether or not the collision occurred within the City Limits of Robertsedale, Alabama.
6. Please state whether or not you were in the cab at the time of the collision. If so, please state whether or not you were keeping a lookout ahead.
7. Please state whether or not you could see continually the road as your train approached the grade crossing.
8. Please state whether or not you observed the plaintiff's vehicle prior to the time of the collision. If so, how far was the train from the crossing at the time you observed the approaching car.
9. How far was the car from the crossing at the time you first observed the car?
10. How fast was the car going?
11. Did the car slow down as it approached the crossing?
12. Did the car accelerate in speed as it approached the crossing?
13. Was there anything to obstruct your view of the approach of the road as your train traveled toward crossing:
 - a) For 1000 feet West of the crossing?
 - b) For 750 feet West of the crossing?
 - c) For 500 feet West of the crossing?
 - d) For 250 feet West of the crossing?
 - e) For 150 feet West of the crossing?
 - f) For 100 feet West of the crossing?
 - g) For 50 feet West of the crossing?

14. Describe the railroad tracks as to grade immediately South of the point of collision.

15. Please state the approximate distance in feet of the level of your eyes from the ground when seated as a lookout in the fireman's regular and ordinary post in the locomotive in which you were riding.

16. Were you seated at the left window of the cab of the locomotive at the time of the collision? Immediately prior to the collision? How long prior to the collision had you been so seated?

17. How many times had you traveled the route which you were following on the day of the collision?

18. Did you warn the engineer of the approach of the car?

19. State the speed of the plaintiff's car in miles per hour as accurately as you can, at the following points:

- a) At point of collision.
- b) At point 25 feet before reaching point of accident.
- c) At point 50 feet before reaching point of accident.
- d) At point 100 feet before reaching point of accident.
- e) At point 150 feet before reaching point of accident.
- f) At point 200 feet before reaching point of accident.
- g) At point 250 feet before reaching point of accident.

20. Please describe in detail any obstruction which prevented you from seeing any point on the road West of the crossing where the collision occurred, for a distance of 1000 feet when the trains:

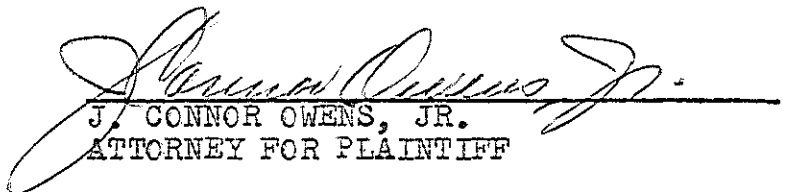
- a) 100 feet from the crossing.
- b) 150 feet from the crossing.
- c) 200 feet from the crossing.
- d) 300 feet from the crossing.
- e) 400 feet from the crossing.
- f) 500 feet from the crossing.

21. Please describe in detail your duties as fireman on the locomotive.

22. Was the train immediately stopped after the collision?


23. How far in feet did the train travel after the collision?

24. How long a time elapsed before the train was moved after being stopped as answered in question 23?


J. CONNOR OWENS, JR.
ATTORNEY FOR PLAINTIFF

STATE OF ALABAMA }
BALDWIN COUNTY }

Before me, the undersigned authority in and for said county in said state, personally appeared J. Connor Owens, Jr., who, being duly sworn, on oath says that he is of counsel for said plaintiff and has authority to make this affidavit; that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the plaintiff on the trial of this cause.


Sworn to and subscribed before
me this 2 day of July, 1958.


Notary Public

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW NO. 3466

GRADY THAMES,

Plaintiff

vs.

LOUISVILLE & NASHVILLE RAILROAD
COMPANY, a corporation, and
H. C. ROTON, and O. C. HAWSEY,

Defendants

INTERROGATORIES TO DEFENDANT,
O. C. HAWSEY

FILED
JUL 3 1958
ALICE J. DUCK, Clerk

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
101 Court House Square
BAY MINETTE, ALABAMA

Received 3 day of July 1958
and on 3 day of July 1958
served a copy of the within Interrogatories
and Stone & Chason

by service on John Chason

TAYLOR WILKINS, Sheriff
By W. A. Zehnt D.S.
omi

GRADY THAMES,	I	
Plaintiff,	I	
vs.	I	IN THE CIRCUIT COURT OF
	I	BALDWIN COUNTY, ALABAMA
LOUISVILLE & NASHVILLE RAILROAD COMPANY, A COR- PORATION, and H. C. ROTON and O. C. HAWSEY,	I	AT LAW
Defendants.	I	

NOTICE OF TAKING OF DEPOSITION UPON ORAL EXAMINATION

TO: HON. J. CONNOR OWEN, ATTORNEY AT LAW, BAY MINETTE, ALABAMA, AS
ATTORNEY FOR GRADY THAMES:

Please take notice that the Deposition Upon Oral Examination of Grady Thames, the Plaintiff in the above styled cause, whose address is Robertsedale, Alabama, will be taken on August 12, 1958, at 9:30 o'clock A. M. before Louise Dusenbury, a Notary Public, in and for the State of Alabama at Large, who is hereby designated as the officer before whom such deposition shall be taken, at her office in the Courthouse in Bay Minette, Alabama.

Dated this the 21st day of July, 1958.

CHASON & STONE

By: *John Chason*
Attorneys for Defendants

STATE OF ALABAMA

BALDWIN COUNTY

I, John Chason, one of the attorneys of record for Louisville & Nashville Railroad Company, a corporation, H. C. Roton and O. C. Hawsey, the Defendants in the above styled cause, do hereby certify that I have this day mailed a copy of the foregoing Notice of Taking of Deposition Upon Oral Examination to Hon. J. Connor Owen, attorney of record for the Plaintiff in the above styled cause, postage prepaid and properly addressed to him at his office in Bay Minette, Alabama.

Done this the 21st day of July, 1958.

John Chason
John Chason

3468
GRADY THAMES,
Plaintiff,

vs.

LOUISVILLE & NASHVILLE RAILROAD
COMPANY, A CORPORATION, ET AL

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NOTICE OF TAKING DEPOSITION

FILED
JUL 31 1958:
ALICE J. DUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA