

FANNIE SMITH, PLAINTIFF,

VS.

FAIRHOPE TRANSPORTATION COMPANY,
DEFENDANT.

NO. _____.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY.

It is hereby agreed between the parties to this cause, by their respective counsel, that the testimony of the following named witnesses may be taken upon oral examination without the issue of commission before Miss Blanche P. Vestal, as commissioner, in the City of Mobile, Alabama, upon twenty-four hours' notice to counsel of the time and place of such taking, under the provisions of Code Section 4047, the witnesses being employed in and about watercraft plying the waters of Mobile River and tributaries, and that the testimony of said witnesses, when taken down in shorthand, may be transcribed by the commissioner, and filed. ~~without the signatures of the witnesses.~~

- Edward J. Roberts, *J. M. Scott.*
- Harry Hargrove, *H. A. Scott.*
- Peter Smith,
- Leslie Lowell,
- Thomas McGill,
- William Lowell,
- E. C. Coster,
- J. H. Harrub,
- J. H. May,
- Matt T. Jackson,
- Jack Johnson,
- L. H. Pierce,
- Lawrence Tilson,
- Marshall T. Jackson,
- L. J. Keene.

Witness our hands at Mobile, Alabama this the
day of September, 1916.

Attorneys for Plaintiff.

W. H. Mayfield & Co.
Richards Austin & Bube.
Attorneys for Defendant.

*Commissioner's
fee \$10.00 not paid*

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By virtue of an agreement between the counsel in the case of Fannie Smith versus the Fairhope Transportation Company pending in the Circuit Court of Baldwin County, Alabama, the undersigned, acting as commissioner, has caused the witnesses hereinafter named to come before me at the times and places hereinafter named, and they, being duly sworn to tell the truth, the whole truth and nothing but the truth, upon examination by Elliott G. Rickarby of counsel for defendant and E. J. Grove, of counsel for plaintiff, did testify upon oral examination, as follows:

LOUIS J. KEENE.

I am Master of the Steamer "Peerless". I have been in the Steamboat business on lakes, bays, sounds and rivers for about forty-two years, and have held Master's papers on these waters for thirty years. As such Master, I am familiar with the methods of handling bay as well as river boats. I know the Steamer "Apollo" that plies between Mobile and Fairhope very well. I know the location of the bow caval on that boat. From my knowledge of the "Apollo" and from my experience as a Master of such a boat, the duties of deck hand on the "Apollo" are not dangerous for a minor over the age of sixteen years.

Q. Are the duties of a deck hand in making a landing on the Steamer "Apollo" dangerous for any person that has reached years of discretion, or say, sixteen years or over?

(Plaintiff objects to question on the following separate grounds: first, because the question calls for the opinion of the witness; second, because it is not shown that the witness was familiar with the agreement or contract made by and between the representatives of the "Apollo" and Eugene Coleman mentioned in plaintiff's complaint.)

A. No.

Q. Do you know the customary duties required of a deck hand on bay boats such as the "Apollo"?

(Plaintiff objects to question as it calls for immaterial testimony and is not confined to Eugene Coleman's business.)

A. Yes.

Q. Would a deck hand stationed at the bow caval of the "Apollo" and required to throw out a line and make same fast under the directions of the Captain or Mate in landing be doing dangerous work?

(Plaintiff objects to the question because it is not confined to Eugene Coleman's work and because it calls for the conclusion of the witness.)

A. He would not.

Q. As a rule, is the work of a deck hand considered skilled labor or the lowest class of labor on board a boat?

A. The lowest class of labor. Naturally, an ordinary deck hand is the nearest unskilled labor you can find.

Q. Is or is not the position of the bow caval on the "Apollo" such that a man can get to same easily and have plenty of clearance in which to work?

(Plaintiff objects to the question because it is immaterial and irrelevant.)

A. Yes.

Q. How is that caval located as to being lighted?

A. It is out in broad day-light.

Q. Would you consider that a deck hand stationed at the bow caval of the "Apollo" at about 5:00 P. M. in the month of September to make a landing at Fairhope, with no wind or sea running and with the engines stopped and the boat going three miles an hour, was in a position of danger for any person of ordinary intelligence over the age of fourteen years?

(Plaintiff objects to the question on the following separate grounds: first, because it calls for the conclusion of the witness; second, because it calls for material and irrelevant testimony; third, because there is no evidence that the facts and circumstances were such as stated in Mr. Rickarby's question to the witness.)

A. I would not.

Q. What are the duties of a deck hand on a Bay boat, when hired simply as a deck hand and no specific directions given as to other duties?

(Plaintiff objects to question as it calls for immaterial testimony and is not confined to Eugene Coleman's duties on the Bay boat "Apollo")

A. He has to handle the freight, handle the lines at landings, and keep the boat clean under orders from the Mate through the Captain.

CROSS-EXAMINATION BY COUNSEL FOR PLAINTIFF.

Q. Captain have you ever operated the Steamer "Apollo"?

A. I made one trip as pilot on the Steamer "Apollo", two trips as passenger, and am very familiar with the work that goes on on board.

Q. When did you pilot the vessel, Captain?

A. Last summer, a year ago, I piloted the vessel for one trip--- I made the trip from one afternoon to the next morning. The pilot house is on the upper deck and from the pilot house, I can see on the lower deck where the cavals are. The upper deck now is so wide that the cavals can not be seen from the pilot house. The forward caval, as near as I can judge, is about twelve feet from the stem of the vessel, and the breast caval is about ten feet aft the forward caval.

Q. In your opinion as an expert, do you consider it dangerous for a person who is making his first trip on a boat to work at a caval in assisting the landing of a boat with the sea running?

(Defendant objects to question on following grounds: first, it is not in rebuttal; second, because the question does not specify with sufficient clearness the character of sea running as the amount of bad weather is a very material element in the question of danger vel non.)

A. When the sea is running, it is dangerous.

Q. Do you consider the caval a dangerous place to put in a negro who is under the age of twenty-one years and who is making his first trip on a boat, having never before seen a bay boat?

A. No, that is where you put them to learn them--- part of the business is handling lines.

RE-DIRECT EXAMINATION.

I have run as Master on the "Old" Annie" for one summer a number of years ago, a few trips on the "Heroine" and one summer on the "Caloosa", and a half month on the "Baldwin" this summer after the storm.

(Plaintiff objects to the above testimony because it is not in rebuttal.)

Lewis J. Keene

For the sake of convenience and brevity, it is agreed between counsel that the same questions shall be asked all witnesses except Captain E. J. Roberts that were propounded to Captain L. J. Keene, and that the same objections interposed to questions to Captain Keene shall be considered as interposed to those to each subsequent witness, both on direct and cross-examination.

Counsel for Plaintiff.

Rich. L. Austin & B. B. B.
Counsel for Defendants.

FORBES L. REBOLT.

I have been in the steamboat business on lakes, bays, sounds and rivers for about twenty-five years and hold Master's papers on these waters. I have been running on Mobile Bay on bay boats for about ten years and am familiar with the methods of handling steamers such as the "Apollo". I was Master of the Steamer "James A. Carney" during this past summer and was master of her when she sunk. I know the Steamer "Apollo" very well and know the location of the bow caval on that boat.

Q. Are the duties of a deck hand in making a landing on the Speamer "Apollo" dangerous for any person that has reached years of discretion, or, say, sixteen years or over?

(Plaintiff objects to question on the following separate grounds: first, because it calls for the opinion of the witness; second, because it is not shown that the witness was familiar with the agreement or contract made by and between the representatives of the "Apollo" and Eugene Coleman, mentioned in plaintiff's complaint.)

A. I do not think it would be dangerous for a ten year old boy.

Q. Do you know the customary duties required of a deck hand on bay boats such as the "Apollo"?

(Plaintiff objects to question as it calls for immaterial testimony and is not confined to Eugene Coleman's business)

A. I do, I have worked enough of them.

Q. Would a deck hand stationed at the bow caval of the "Apollo" and required to throw out a line and make same fast under the directions of the Captain or Mate in landing be doing dangerous work?

(Plaintiff objects to question because it is not confined to Eugene Coleman's work and because it calls for the conclusion of the witness.)

A. No.

Q. As a rule, is the work of a deck hand considered skilled labor or low class labor?

A. The losest class of labor on board a boat--- any old farmer can be a deck hand.

Q. Is or is not the position of the bow caval on the "Apollo" such that a man can get to same easily and have plenty of clearance in which to work?

(Plaintiff objects to question because it is immaterial and irrelevant)

A. Yes, he would have plenty of room in which to work.

Q. How is that caval located as to being lighted?

A. There is light all around it. Its right out in the broad day light.

Q. Would you consider that a deck hand stationed at the bow caval of the "Apollo" at about 5:00 P. M. in the month of September to make a landing at Fairhope, with no wind or sea running and with the engines stopped and the boat going three miles an hour, was in a position of danger for any person of ordinary intelligence over the age of fourteen years?

(Plaintiff objects to question on the following separate grounds: first, it calls for the conclusion of the witness; second, it calls for immaterial and irrelevant testimony; third, because there is no evidence that the facts and circumstances were such as stated in Mr. Rickarby's question to the witness.)

A. No, I don't think he would be in any danger if it was day light--- or night either.

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Q. What are the duties of a deck hand on a bay boat, when hired simply as a deck hand and no specific directions given as to other duties?

(Plaintiff objects to question as it calls for immaterial testimony and is not confined to Eugene Coleman's duties on the Bay boat "Apollo".)

A. He has to carry sacks and freight on and off the boat and help make the boat fast at landings under orders from the Mate or Captain.

CROSS EXAMINATION:

Q. Captain, have you ever operated the Steamer "Apollo"?

A. I have never run on the "Apollo" but have run on the "Carney", "Pleasure Bay", "Heroine", "Dolive", "Calocsa" and the "Baldwin".

Q. In your opinion as an expert, do you consider it dangerous for a person who is making his first trip on a boat to work at a caval in assisting the landing of a boat with the sea running?

(Defendant objects to question on following grounds: first, it is not in rebuttal; second, because the question does not specify with sufficient clearness the character of sea running as the amount of bad weather is a very material element in the question of danger vel non.)

A. Not on one of those boats.

Q. Do you consider the caval a dangerous place to put in a negro who is under the age of twenty-one years and who is making his first trip on a boat, having never seen a bay boat before?

A. No, there is nothing dangerous about it --- nothing to do but to take a turn around the caval.

RE-DIRECT EXAMINATION:

Q. Do you consider the caval a dangerous place?

A. No, the greenest negro in the world could go right ahead and do that work--- I don't think its dangerous--- We pick up negroes anywhere and put them at this class of work.

Capt F Bebolt

T. E. DORCAN.

I am Deputy Harbor Master at the Port of Mobile, and have held such office for the last sixteen years. I have been steamboating practically all my life, and, although I have not operated any of the Bay boats or the Steamer "Apollo", I have navigated all kinds of steam vessels and tug boats around Mobile Bay and the rivers tributary thereto.

Q. Are you familiar with the location of the bow caval on the Steamer "Apollo"?

A. Yes, I examined it this morning, and am certain that there has been no recent change in the situation of this caval because there are no marks on the deck indicating that it has been moved.

Q. From your experience as a boatman, do you think the duties of a deck hand are dangerous for a minor over sixteen years of age?

(Plaintiff objects to question on following separate grounds: first, it calls for the conclusion of the witness; second, it is not shown that the witness was familiar with the agreement or contract made by and between the representatives of the "Apollo" and Eugene Coleman mentioned in plaintiff's complaint.)

A. I do not.

Q. Do you know the customary duties required of a deck hand on bay boats such as the "Apollo"?

(Plaintiff objects to question as it calls for immaterial testimony and is not confined to Eugene Coleman's duties.)

A. Yes, his duties are to handle the lines, handle freight and to work around the deck.

Q. Would a deck hand stationed at the bow caval of the "Apollo" and required to throw out a line and make same fast under the directions of the Captain or Mate in landing be doing dangerous work?

(Plaintiff objects to question because it is not confined to Eugene Coleman's work and because it calls for the conclusion of the witness.)

A. No sir, he would not.

Q. As a rule, is the work of a deck hand considered skilled labor or the lowest class of labor on board a boat?

A. I should say the lowest labor--- any laborer will do for that.

Q. Is or is not the position of the bow caval on the "Apollo" such that a man can get to same easily and have plenty of clearance in which to work?

(Plaintiff objects to the question because it is immaterial and irrelevant.)

A. It is.

Q. How is that caval located as to being lighted?

A. Located right in the bow of the boat and not covered up in any way---right on the open deck.

Q. Would you consider that a deck hand stationed at the bow caval of the "Apollo" at about 5:00 P. M. in the month of September to make a landing at Fairhope, with no wind or sea running and with the engines stopped and the boat going three miles an hour, was in a position of danger for any person of ordinary intelligence over the age of fourteen years?

(Plaintiff objects to the question on the following separate grounds: first, it calls for the conclusion of the witness; second, it calls for immaterial testimony; third, because there is no evidence that the facts and circumstances were such as stated in Mr. Rickarby's question to the witness.)

A. No sir, I would not.

Q. What are the duties of a deck hand on a bay boat, when hired simply as a deck hand and no specific directions given as to other duties?

(Plaintiff objects to question as it calls for immaterial testimony and is not confined to Eugene Coleman's duties on the Bay boat "Apollo".)

A. He has to handle all lines and do what deck work he is called on to do by the Mate and officers.

CROSS EXAMINATION:

Q. Have you ever operated the Steamer "Apollo"?

A. I have not.

Q. In your opinion, as an expert, do you consider it dangerous for a person who is making his first trip on a boat to work at a caval in assisting the landing of a boat with the sea running?

[Defendant objects to question on following grounds: First, it is not in rebuttal; second, because the question does not specify with sufficient clearness the character of sea running, as the amount of bad weather is a very material element in the question of danger vel non.)

A. I do not.

Q. Do you consider the caval a dangerous place to put in a negro who is under the age of twenty-one years and who is making his first trip on a boat, having never seen a bay boat before?

A. I do not.

EDWARD DORGAN.

I have been in the Steamboat business about twenty-five years altogether and have held master's license for the last ten years. A great deal of the time, I have worked as deck hand, mate, master, and pilot, on the on lakes, bays, sounds and rivers. I have on many occasions operated the Steamer "Apollo" in Mobile Bay in the capacity of Master, and am familair with that vessel and her equipment. I personally know of the location and condition of the bow caval on the Steamer "Apollo". From my knowledge of the "Apollo" and from my experience as a Master of such a boat, the duties of deck hand on the "Apollo" are not dangerous for a minor over the age of sixteen years.

Q. Are the duties of a deck hand in making a landing on the Steamer "Apollo" dangerous for a person that has reached years of discretion, or say, sixteen years of over?

(Plaintiff objects to question on the following separate grounds: first, because the question calls for the opinion of the witness; second, it is not shown that the witness was familiar with the agreement or contract made by and between the representatives of the "Apollo" and Eugene Coleman mentioned in plaintiff's complaint.)

A. No.

Q. Do you ever see or know of boys under twenty-one years of age being employed as deck hands on the Mobile Bay boats?

A. Yes, and also on the River boats. I was employed as a deck hand when I was thirteen years of age, and I know that a great many boys under twenty-one years of age are employed for these services.

Q. Are the duties of a deck hand in making a landing on the Steamer "Apollo" dangerous for any person that has reached years of discretion, or, say sixteen years of age?

(Plaintiff objects, etc. - - - - -)

A. No, they are not.

Q. Do you know the customary duties of a deck hand on bay boats such as the "Apollo"?

(Plaintiff objects - - - - -)

A. Yes, handling lines and freight as the Mate tells him and general work on the deck, keeping it clean, etc.

Q. Would a deck hand stationed at the bow caval of the "Apollo" and required to throw out a line and make same fast under the directions of the Captain or Mate in landing be doing dangerous work?

(Plaintiff objects, etc. - - - - -)

A. No sir, he would not.

Q. Is the work ordinarily required of a deck hand-- that is, throwing out lines in making the landing, etc.-- considered skilled labor, requiring an experienced boatman to perform same, or do you find that the average deck hand is thoroughly capable of doing this work?

A. The average deck hand can easily do it.

Q. As a rule, is the work of a deck hand considered skilled labor?

A. No, anybody can be a deck hand.

Q. Is it necessarily ordinarily that a deck hand have any particular experience in boating in order to perform his duties?

No, sir.

Q. Is or is not the position of the bow caval on the "Apollo" such that a man can get to same easily and have plenty of clearance in which to work?

(Plaintiff objects, etc. - - - - -)

A. Yes, he would have about five or six feet clearance

Q. How is that caval located as to being lighted?

A. Its out on the plain deck in the light--- nothing around it.

Q. Would you consider that a deck hand stationed at the bow caval of the "Apollo" at about 5:00 P. M. in the month of September to make a landing at Fairhope, with no wind or sea running and with the engines stopped and the boat going three miles an hour, was in a position of danger for any person of ordinary intelligence over the age of fourteen years?

(Plaintiff objects, etc. - - - - -)

A. No sir, I would not.

Q. What are the duties of a deck hand on a bay boat when hired simply as a deck hand and no specific directions given as to other duties?

(Plaintiff objects, etc. - - - - -)

A. Handling lines and freight, keeping the boat clean, etc.

Q. When you speak of handling lines, where and when do you mean handling lines and for what purpose?

A. A deck hand is stationed by the Mate and throws out lines for making landings and takes in lines when the vessel is leaving.

CROSS-EXAMINATION:

Q. Have you ever operated the "Apollo"?

A. Yes, I have been off and on ever since the "Apollo" came her, in the capacity of Master and sometimes as pilot.

Q. When did you pilot the vessel?

A. I can not tell exactly for I have run on her in so many different capacities, but the books will show.

Q. In your opinion as an extert, do you consider it dangerous for a person who is making his first trip on a boat to work at a caval in assisting the landing of a boat with the sea running?

(Defendant objects, etc. - - - - -)

A. No sir, I do not.

Q. Do you consider the caval a dangerous place to put a negro who is under the age of twenty-one years and who is making his first trip on a boat, having never before seen a bay boat?

A. I do not.

Ed. Sargent.

CAPTAIN C. L. MAY.

I have been steamboating for twenty years and have had pilots and mate's papers for about twelve years. I am familiar with the method of handling bay as well as river boats. I know the Steamer "Apollo" and know the location of the bow caval on that boat.

Q. Are the duties of a deck hand in making a landing on the Steamer "Apollo" dangerous for any person over the age of sixteen years?

(Plaintiff objects to the question on the following separate grounds: first, it calls for the opinion of the witness; second, because it is not shown that the witness was familiar with the agreement or contract made by and between the representatives of the "Apollo" and Eugene Coleman mentioned in plaintiff's complaint.)

A. The duties of a deck hand are no more dangerous than it would be loading freight on a wagon.

Q. Do you know the customary duties of a deck hand on bay boats such as the "Apollo"?

(Plaintiff objects to question as it calls for immaterial testimony and is not confined to Eugene Coleman's business.)

A. I know the duties of a deck hand.

Q. Would a deck hand stationed at the bow caval of the "Apollo" and required to throw out a line and make same fast under the directions of the captain or mate in landing be doing dangerous work?

(Plaintiff objects to the question because it is not confined to Eugene Coleman's business and because it calls for the conclusion of the witness.)

A. As I said before, a deck hand stationed under such circumstances would be doing only common labor and not dangerous work. There is no skilled labor required of a deck hand--- anybody can be a deck hand.

Q. Would you consider that a deck hand stationed at the bow caval of the "Apollo" at about 5:00 P. M. in the month of September to make a landing at Fairhope, with no wind or sea running and with the engines stopped and the boat going three miles an hour, was in a dangerous position for any person of ordinary intelligence over the age of fourteen years?

(Plaintiff objects to the question on the following separate grounds; first, because it calls for the conclusion of the witness; second, because it calls for immaterial and irrelevant testimony; third, because there is no evidence that the facts and circumstances were such as stated in Mr. Rickarby's question to the witness.)

A. He would not be.

Q. What are the duties of a deck hand on a Bay boat, when hired simply as a deck hand and no specific directions given as to other duties?

(Plaintiff objects to question as it calls for immaterial testimony and is not confined to Eugene Coleman's duties on the Bay boat "Apollo".)

A. He has to load and unload freight, make the line fast at landings, get out the stage plank and clean the boat.

CROSS EXAMINATION:

Q. Captain, have you ever operated the Steamer "Apollo"?

A. I have never operated the "Apollo" but have run on tug boats and river packets

Q. In your opinion as an expert, do you consider it dangerous for a person who is making his first trip on a boat to work at a wharf in assisting the landing of a boat with the sea running?

(Defendant objects to the question on the following grounds: first, it is not in rebuttal; second, because the question does not specify with sufficient clearness the character of sea running, as the amount of bad weather is a very material element in the question of danger or not.)

A. No sir, if the sea was running, he could not hurt himself unless he fell down inside of his own accord. He is almost in a box that would keep him from falling overboard or getting hurt.

Q. Do you consider the wharf a dangerous place to put a negro who is under the age of twenty-one years and who is making his first trip on a boat, having never seen a bay boat before?

A. No, I would not consider it a dangerous place.

B. L. May

C. E. COSTER.

I am Chief Engineer of the "Daphne". I have been running on river and bay craft for nine years as engineer and mate. I am familiar with the methods with which bay boats are handled on Mobile Bay. I know the Steamer "Apollo" very well.

Q. Are the duties of a deck hand in making a landing on the Steamer "Apollo" dangerous for any person that has reached years of discretion, or, say, sixteen years or over?

(Plaintiff objects, etc. - - - - -)

A. I don't think so--- I have never seen any danger.

Q. Do you know the customary duties required of a deck hand on bay boats such as the "Apollo"?

(Plaintiff objects, etc. - - - - -)

A. Yes.

Q. Would a deck hand stationed at the bow caval of the "Apollo" and required to throw out a line and make asme fast under the directions of the captain or Mate in landing be doing dangerous work?

(Plaintiff objects, etc. - - - - -)

A. I do not think so.

Q. As a rule, is the work of a deck hand considered skilled labor or the lowest class of labor on board a boat?

A. Well they are not very skillful--- they are supposed to work under a skilled man but the deck hand's work is common labor.

Q. Is the position of the bow caval on board the "Apollo" such that a man can get to same easily and have plenty of clearance in which to work?

(Plaintiff objects, etc. - - - - -)

A. Yes, a man can make a line fast around it all right.

Q. Would you consider a deck hand stationed at the bow caval of the "Apollo" at about 5:00 P. M. in the month of May to make a landing at Fairhope, with no wind or sea running and with the engines stopped and the boat going three miles an hour, in a position of danger for any person of ordinary intelligence over the age of fourteen years?

(Plaintiff objects, etc. - - - - -)

A. I would not.

Q. What are the duties of a deck hand on a bay boat, when hired simply as a deck hand and no specific directions given as to other duties?

(.Plaintiff objects, etc. - - - - -)

A. Handling lines under the directions of the Mate; he also handles freight, etc.

CROSS-EXAMINATION:

Q. Have you ever run on the Steamer "Apollo"?

A. Only as a passenger.

Q. In your opinion as an expert, do you consider it dangerous for a person who is making his first trip on a boat to work at a caval in assisting the landing of a boat with the sea running?

(Plaintiff objects, etc. - - - - -)

A. Not in making a line fast, it would not be.

Q. Do you consider the caval a dangerous place to put in a negro who is under the age of twenty-one years and who is making his first trip on a boat, having never before seen a Bay boat?

A. No, I don not think it would be dangerous for him.

C. E. Coster.

MARSHALL T. JACKSON.

I have held Masters and pilot's papers on Mobile Bay since 1905, and have worked on the Bay, in one capacity or another, since then. I am now Deputy Harbor Master of the Port of Mobile. I ran on the Steamers "Carney", "Fairhope" and "Pleasure Bay" for about four years and am familiar with the methods of handling Bay boats. I have also made trips on other bay boats as Master. I know the Steamer "Apollo" and know the locations of the cavals on that boat.

Q. Are the duties of a deck hand in making a landing on the Steamer "Apollo" dangerous for any person that has reached years of discretion, or, say, sixteen years?

(Plaintiff objects, etc. - - - - -)

A. No.

Q. Do you know the customary duties required of a deck hand on bay boats such as the "Apollo"?

(Plaintiff objects, etc. - - - - -)

A. Yes.

Q. Would a deck hand stationed at the bow caval of the "Apollo" and required to throw out a line and make same fast under the directions of the Captain and Mate in landing be doing dangerous work?

(Plaintiff objects, etc. - - - - -)

A. No sir, not if he does it under directions of the Mate.

Q. As a rule, is the work of a deck hand considered skilled labor or the lowest class of labor on board a boat?

A. The lowest class of labor.

Q. Is or is not the position of the bow caval on the "Apollo" such that a man can get to same easily and have plenty of clearance in which to work?

(Plaintiff objects, etc. - - - - -)

A. It is.

Q. Would you consider that a deck hand stationed at the bow caval of the "Apollo" at about 5:00 P. M. in the month of May to make a landing at Fairhope, with no wind or sea running and with the engines stopped and the boat going three miles an hour, in a position of danger for any person of ordinary intelligence over the age of fourteen years?

(Plaintiff objects, etc. - - - - -)

A. I would not. I was fifteen years when I first went aboard a boat and I served as deck hand at that time. This was on tug boats, which are handled more roughly, and if there were any danger it would be greater than on a boat like the "Apollo"--- and I did not consider that I was doing dangerous work.

Q. What are the duties of a deck hand on a bay boat, when hired simply as a deck hand and no specific directions given as to other duties?

(Plaintiff objects, etc. - - - - -)

A. To do anything he is told to do; that is, keep the boat clean, carry freight, make lines fast, wait on officers and anything he is told to do.

CROSS EXAMINATION:

Q. Have you ever operated the "Apollo"?

A. I have never operated the "Apollo" but have commanded the "Pleasure Bay" and the "Garney", which are the same class of boat.

Q. In your opinion as an expert, do you consider it dangerous for a person who is making his first trip on a boat to work at a caval in assisting the landing of a boat with the sea running?

(Defendant objects, etc. - - - - -)

A. No sir, I don't think it dangerous.

Q. Do you consider the caval a dangerous place to put a negro who is under the age of twenty-one years and who is making his first trip on a boat, having never before seen a bay boat?

A. No sir, he has plenty of room--- no danger that I can see--- theres nothing in his way.

Marshall Jackson

CAPTAIN L. A. SCOTT.

I have had about twenty years experience as Master of deep water craft and have held master's papers under the British Admiralty for fifteen years. I am familiar with the handling of vessels and know the manner in which the bay boats plying on Mobile Bay are handled. I know the Steamer "Apollo" and know the location of the bow caval on that boat.

Q. Are the duties of a deck hand in making a landing on the Steamer "Apollo" dangerous for any person that has reached years of discretion, or, say, sixteen years?

(Plaintiff objects, etc. - - - - -)

A. No.

Q. Do you know the customary duties required of a deck hand on bay boats such as the "Apollo"?

(Plaintiff objects, etc. - - - - -)

A. Yes.

Q. Would a deck hand stationed at the bow caval of the "Apollo" and required to throw out a line and make same fast under the directions of the captain or Mate in landing be doing dangerous work?

(Plaintiff objects, etc. - - - - -)

A. He would not.

Q. As a rule, is the owrk of a deck hand considered skilled labor?

A. A deck hand is not even a seaman--- he is just a common laborer.

Q. Is or is not the position of the bow caval on the "Apollo" such that a man can get to same easily and have plenty of clearance in which to work?

(Plaintiff objects, etc. - - - - -)

A. It is.

Q. Would you consider that a deck hand stationed at the bow caval on the "Apollo" at about 5:00 P. M. in the month of May to make a landing at Fairhope, with no wind or sea running and with the engines stopped and the boat going three miles an hour, is in a position of danger for any person over the age of fourteen years?

(Plaintiff objects, etc. - - - - -)

A. No, I would not.

Q. What are the duties of a deck hand on a bay boat, when hired simply as a deck hand and no specific directions as to other duties?

(Plaintiff objects, etc. - - - - -)

A. He has to help load and unload freight, assist in making the boat fast at landings, clean ship, etc.

CROSS EXAMINATION:

Have you ever operated the "Apollo"?

A. I have never operated the "Apollo" nor have I operated any bay boats, but I know the general methods of seamanship and handling such craft.

Q. In your opinion as an expert, do you consider it dangerous for a person who is making his first trip on a boat to work at a caval in assisting the landing of a boat with the sea running?

(Defendant objects, etc. - - - - -)

A. Unless there is a very heavy sea running, there would be no danger and only then from the likelihood of being thrown against something and hurt in that way.

Q. Do you consider the caval a dangerous place to put in a negro who is under the age of twenty-one years and who is making his first trip on a boat, having never before seen a bay boat?

A. No.



CAPTAIN J. M. SCOTT.

I have held Master's papers for deep sea craft since 1894 under the English law and have had experience on both English and American vessels. I am managing owner of eight vessels and part owner of two more plying on Atlantic, Gulf and Pacific waters. I am also familiar with the methods of handling steam craft in shallow waters, such as the bay boats plying Mobile Bay. I know the general location of the bow caval on the Steamer "Apollo".

Q. Are the duties of a deck hand in making a landing on the Steamer "Apollo" dangerous for any person that has reached years of discretion, or, say, sixteen years?

(Plaintiff objects, etc. - - - - -)

A. Not at all--- I don't consider them so at all.

Q. Do you know the customary duties required of a deck hand on bay boats such as the "Apollo"?

(Plaintiff objects, etc. - - - - -)

A. I do.

Q. Would a deck hand stationed at the bow caval of the "Apollo" and required to throw out a line and make same fast under the directions of the Captain or Mate in landing be doing dangerous work?

(Plaintiff objects, etc. - - - - -)

A. No, he would not.

Q. As a rule, is the work of a deck hand considered skilled labor or the lowest class of labor on a boat?

A. The lowest class of labor.

Q. Would you consider a deck hand stationed at the bow caval of the "Apollo" at about 5:00 P. M. in the month of May to make a landing at Fairhope, with no wind or sea running and with the engines stopped and the boat going three miles an hour, in a dangerous position for any person of ordinary intelligence over the age of fourteen years?

(Plaintiff objects, etc. - - - - -)

A. No, I would not.

Q. What are the duties of a deck hand on a bay boat, when hired simply as a deck hand and no specific directions given as to other duties?

(Plaintiff objects, etc. - - - - -)

A. He has to handle freight, handle the lines at landings, keep the boat clean, etc.

CROSS EXAMINATION:

Q. Have you ever operated the "Apollo"?

A. I have never operated the "Apollo" but have been frequently across Mobile Bay and know how boats of her class are handled.

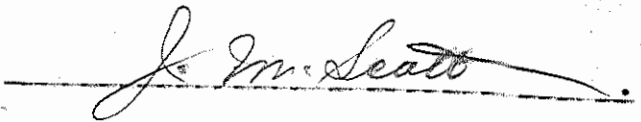
Q. In your opinion as an expert, do you consider it dangerous for a person who is making his first trip on a boat to work at a caval in assisting the landing of a boat with the sea running?

(Defendant objects to the question, etc. - - - - -)

A. No, certainly not.

Q. Do you consider the caval a dangerous place to put a negro under the age of twenty-one years who is making his first trip, having never before seen a bay boat?

A. No, there is no danger in it that I can see.



I, Blanche P. Vestal, the commissioner named in the foregoing agreement between counsel to take testimony in a cause pending in the Circuit Court of Baldwin County, Alabama, wherein Fannie Smith is plaintiff and the Fairhope Transportation Company defendant, do hereby certify that I caused the following witnesses to come before me at No. 910 Van Antwerp Building, Mobile, Alabama on the dates hereinafter mentioned: Louis J. Keene, on October 31st, 1916; Forbes L. Bebolt, T. E. Dorgan and Edward Dorgan on November 6th, 1916; C. L. May on November 8th; C. E. Coster and Marshall T Jackson on November 9th; L. A. Scott and J. M. Scott on November 13th; who, being first duly sworn, upon examination, testified in response thereto as is hereinabove written; that their testimony was by me reduced to writing as given by them and as near as might be in the identical language of said witnesses, that, after their testimony had been reduced to writing, it was read over by said witnesses, who assented to and signed the same in my presence.

I further certify that I am not of counsel or of kin to any of the parties to this cause and am not in anywise interested in the result thereof.

Witness my hand and seal, as Commissioner, this the 18th day of November, 1916.

Blanche P. Vestal
COMMISSIONER.

Commissioner's fee \$10⁰⁰ not paid.

1- Gentlemen of the Jury, if you are reasonably satisfied from the evidence in this case, that the plaintiff is the mother of Eugene Coleman, named in the complaint; that the said Eugene Coleman, was under the age of 21 years at the time he was injured on the Steamer "Apollo" as mentioned in the Complaint, and that the said Eugene Coleman's father was dead prior to the time of filing this suit, and that the defendant or its agents or servants while acting within the line and scope of their authority, employed the said Eugene Coleman, without his mother's consent, and placed him to work at a dangerous place, without plaintiff's consent, then your verdict must be for the plaintiff.

L. M. C. J. No. 1

Plaintiff,

versus

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA.

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1.- Plaintiff claims of the defendant, a corporation,

2.- Plaintiff claims of the defendant, a corporation,

the sum of five thousand and no/100 dollars, (\$5000.00), as damages, for that, ~~heretofore~~, to-wit, on the 18th. day of May, 1915, defendant was engaged in the operation of a steam

propelled vessel called "APOLLO", between places in Baldwin County, Alabama and Mobile, Alabama, including Battles, Baldwin County, Alabama, and in and about the operation of said vessel, the defendant's agent or servants, while acting within the line and scope of their authority, without the consent of plaintiff, caused plaintiff's minor son, Eugene Coleman, whose father is dead, to work in or about the operation of said vessel at a place or at work which was dangerous to a person of his youth and inexperience; and, as a proximate consequence of said wrong, plaintiff's said son had his right foot mashed and injured to such an extent as to necessitate the removal of part of the bone therefrom and was permanently disabled and rendered less able to work and earn money and plaintiff lost the services of her said son and now her said son is physically unable to perform any work and his services were rendered less valuable to her, and she lost his society and has expended considerable money in and about the treatment of her said son's said injury; and also suffered mental pain and anxiety by reason of said injury; and, that her said son was injured while engaged in or about such dangerous work or place, all to her damage aforesaid.

Webb McAlpine & Coe
AS ATTORNEYS FOR PLAINTIFF.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Webb McAlpine & Coe
AS ATTORNEYS FOR PLAINTIFF.

SUMMONS AND COMPLAINT

The State of Alabama {
Baldwin County { No.

Circuit Court

April 20th, 1916.

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon Fairhope Transportation Company, a
Corporation,

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 it Defendant
by Fannie Smith, Plaintiff

Witness my hand this 20th day of April 1916.

J. W. Ricc... Clerk.

COMPLAINT

Plaintiff Versus

The plaintiff claims of the defendant

Dollars due by

Plaintiff's Attorney.

No.

STATE OF ALABAMA,

BALDWIN COUNTY.

CIRCUIT COURT

Fannie Smith,

vs.

Plaintiffs

Fairhope Transportation Co.,

a Corporation.

Defendants

SUMMONS AND COMPLAINT

Filed April 20th, 1916

W. R. Riccio Clerk

Defendant lives at

Fairhope,

Webb and Mc Alpin,

Plaintiff's Attorney

Defendant's Attorney

Times Print, Bay Minette.

Received in office

April 20th, 1916.

Sheriff

I have executed this Writ

this 1916

by leaving a copy of the within summons and complaint with

Sheriff

Deputy Sheriff.

FANNIE SMITH
Plaintiff,

vs.

FAIRHOPE TRANS-
PORTATION CO.
Defendant

Number 1262.

IN THE CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA.

Comes the plaintiff in the above styled cause, and for answer to the interrogatories propounded to her by the defendant, says:

Eugene Coleman was born on the 19th day of August, 1898, about ten miles from Meridian, Mississippi.

Eugene Coleman lived about ten miles from Meridian, Mississippi for about nine years, then he moved with me to the city of Meridian, Mississippi at which place he resided until about the latter part of April, 1915 when he moved to Mobile, Alabama.

Eugene Coleman went to school about two or three months a session for three or four years. He first entered school when he was near five years old.

From 1910 until the time he came to Mobile, Eugene Coleman worked at the Citizens' Compress. I do not know the names of his employers. He was employed continuously during the above period of time and earned one dollar a day. Until about February, 1915 Eugene Coleman, as a general rule, gave all of his wages to me. I left him in Meridian, in February, 1915 and instructed him to pay his own expenses out of his earnings, and he sent me money after doing so. Since Eugene Coleman came to Mobile he has done small jobs wherever he could get work, and has worked principally on the fruit wharf.

Since he left the Marine Hospital after being injured while working on the steamer "Apollo" where he had his leg broken, he has been unable to work and I have tried to take care of him the best I could. He is still on crutches and unable to do any work.

After Eugene Coleman, my son, had his leg broken on the steamer "Apollo", he was sent to the Marine Hospital, and since he left the hospital I have endeavored to work hard to take care

It is a fact that he was sent to the Marine Hospital
but I do not know that his expenses have been paid.

Since he came to Mobile he has paid me as a rule, all
of his wages.

I do not know exactly the nature of the work he was em-
ployed to do on board the steamer "Apollo", but I think he was em-
ployed as a deck-hand. I do not know the name of the person that
employed him. Eugene Coleman had never been on/a steam boat before,
and was a green youth and not familiar with the dangerous duties
usually attended working on a vessel of the "Apollo" type.

I have answered the tenth interrogatory.

On May 18, 1915 Eugene Coleman was about five feet in
height, and weighed about 145 pounds at that time.

Every morning it is necessary to bandage Eugene Coleman's
leg, and he has been on crutches ever since he left the hospital
and has been unable to do any work whatever.

I do not know what representations the said Eugene
Coleman made at the time he was employed on the steamer "Apollo".

It is not a fact that he has made a number of trips on
river boats running out of this port, as roustabout and deck-hand, and
I can safely say that till he came to Mobile he had never seen a
boat.

I do not know the names of the physicians who attended
Eugene Coleman after the accident nor do I think that they were
paid by either the United States Government or by the Defendant.

Fannie Smith

SWORN TO AND SUBSCRIBED BEFORE ME, this, the
28th day of July, 1916.

Lelia C. Harris
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

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)

ALABAMA.

any, did you have in it ?

mentioned, please state what his duties were.

"Apollo?"

AS ATTORNEYS FOR PLAINTIFF.

STATE OF ALABAMA,
COUNTY OF MOBILE.

Before me, L.C.Harris, a Notary Public in and for the said State and County, personally appeared Edward J. Grove, one of the attorneys for the plaintiff in the above styled cause, who, being by me first duly sworn, deposes and says that the answers of the defendant to the foregoing interrogatories, if truthfully made, will be material testimony for the plaintiff in said cause.

Ed J. Grove

SWORN TO AND SUBSCRIBED BEFORE ME, this the
16th. day of May, 1916.

L. C. Harris
NOTARY PUBLIC, MOBILE COUNTY,
ALABAMA.

We accept service of a copy of the foregoing
interrogatories, and waive further notice of same.

July 26th 1916.

Richard Austin Beebe
AS ATTORNEYS FOR DEFENDANT.

Fannie Smith

Vs

Fairhope Transportation Co

1262

In Circuit Court, Baldwin County,
Alabama.

It is hereby agreed between counsel in this cause that
E. J. Roberts, a witness for Plaintiff, if present would testify.
subject to legal objection:

That the fairhope transportation Company owned the Steam-
er "Apyollo" at the time of the accident.

That Scott Minnich, the person who employed Eugene Coleman,
had authority to do so.

That Coleman was put to work on the deck of the Apollo.

That the accident happened at Magnolia Beach landing in
Baldwin County, on the date named in the complaint.

That witness was and is master of the Apollo

On Cross and re-examination.

That witness asked Coleman about fifteen minutes before the
boat left Mobile, if he had done any decking, and he replied "Yes on
river boats"

That witness will testify the same as Captain E. J. Keene
in answer to the same questions, except as to service aboard the Apol

W. H. McFarland
attys for Plaintiff

Richard Austin & Beebe.
attys for Defr.

Fannie Smith,
Plaintiff,

No. 1262.

vs

In the Circuit Court of Baldwin
County.

Fairhope Transportation Co.

Defendant.

Comes the defendant and for answer to each and every count^y of
the complaint ~~says~~ that it denies each and every material allegation there
of

Riskaby Austell Reese
Attorneys for Defendant.

FANNIE SMITH,
PLAINTIFF,

VS

FAIRHOPE TRANSPORTATION
COMPANY, A CORPORATION,
DEFENDANT.

NO. 1262.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY.
Spring Term, 1916.

Comes the defendant and demurs to each count of
the complaint on the following grounds:

1st. Because plaintiff seeks to recover damages
for the loss of the society of her child, while the damages, if
any, to which she is entitled are compensatory only.

2nd. Because plaintiff seeks to recover damages
for mental pain and anxiety suffered by reason of the injury to
her child, while the damages, if any, to which she is entitled
are compensatory only.

Oliverby Austell Beebe
Attorneys for Defendant.

NO. 1262.

IN THE CIRCUIT COURT OF BALDWIN

FANNIE SMITH

VS

FAIRHOPE TRANSPORTATION CO.

Filed Aug 7th 1916
T W Richmond
Clerk

DEMURRERS TO COMPLAINT.

Refused 11/22/16
T W Richmond
Clerk

Rickarby, Austill & Beebe,
Attorneys for Defendant.

VS
FAIRHOPE TRANSPORTATION COMPANY,
DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY
ALABAMA.

ANSWER OF DEFENDANT TO PLAINTIFF'S INTERROGATORIES.

1st Int. The Fairhope Transportation Company, the above styled defendant is now engaged and was on the 18th day of May, 1915 in the business of operating the Steamer "Apollo" as a common carrier between Mobile and points on the Eastern Shore of Mobile Bay in Baldwin County, Alabama, being the owner of said Steamer.

2nd. Eugene Coleman is known to defendant's officers only by sight. On or about the 18th day of May, 1915, one of the regular deck hands of the Steamer "Apollo" being absent in attendance on the Baldwin County Circuit Court as a witness, S. D. Minnich, the Mate, spoke to a young negro man, then on the wharf, asking him if he did not want to make a day's run as deck hand on the "Apollo". The man, who was Eugene Coleman, answering affirmatively, went aboard the boat where he was questioned by Captain E. J. Roberts, who was then and is now Master of the "Apollo", and was asked if he had had any experience on boats. Coleman replied ^{in substance} "Yes, as a deck-hand or roustabout on River boats", naming some small river in the upper part of the State. Upon this statement, he was then engaged temporarily as deck hand and set to work assisting in loading freight. As deck hand, his duties were to load and unload freight from the various wharfs to the Steamer, assist in making landings, sweep and scrub decks, and do other common labor about the boat, none of the duties so required of him requiring either experience or skill or an intelligence greater than that of the average common laborer, and the work being such as is commonly done by men picked up on the wharf, or by green country boys from the country districts of Baldwin County, and all of said work being done upon a level open deck.

3rd. The officer who employed Eugene Coleman at the time he went to work on the "Apollo" was the Master, whose duties were those of general supervision of the boat, and, when he employed Eugene Coleman, he was acting within the scope of his authority, and had authority to employ deck hands and other labor about the boat. The defendant's officers know Fannie Smith only by sight from having talked to her after the accident to her son, and when she came down to see defendant's officers after the accident, she said nothing about the employment of her son on the boat being without her consent nor was anything said as to this until after the libel of Eugene Coleman against the "Apollo" for injuries had been dismissed and thrown out of the United States District Court, and the present suit brought.

Eugene Coleman was injured while employed on the "Apollo" but through no fault of his employment or the class of work in which he was engaged, but simply by his own carelessness in putting his foot inside of a coil of rope that was being slowly tightened. The accident happened in broad day-light, on an open deck and while the boat was moving very slowly, perhaps not two miles an hour in landing at Magnolia Beach. The work in which he was engaged is that in which but little intelligence is required and ordinary common sense even of the most inexperienced person should have prevented his putting his foot in a coil of rope under the circumstances in which this accident occurred.

Richard Austin Barber
Attorneys for Defendant.

STATE OF ALABAMA,)
MOBILE COUNTY.)

Before me, Blanche P. Vestal, a Notary Public in and for said State and County, personally appeared this day E. J. Roberts, who, being sworn, says that he is the Master of the Steamer "Apollo" and an employee of defendant Company and authorized to make the foregoing answers and that same he knows of his own personal knowledge are true.

E. J. Roberts

Subscribed and sworn to before me this
the 3rd day of August 1916.

Blanche P. Vestal
Notary Public, Mobile County, Alabama.

LAW OFFICES OF
WEBB, MCALPINE & GROVE
VAN ANTWERP BUILDING
MOBILE, ALABAMA

JAMES H. WEBB.
JOHN W. MCALPINE.
EDWARD J. GROVE.

July 26, 1916.

Hon T. W. Richerson,
Bay Minette, Ala.,

Dear Sir:

We are enclosing herewith interrogatories propounded by the plaintiff to the defendant in the case of Fannie Smith versus Fairhope Transportation Company, pending in the Circuit Court of Baldwin County, Alabama. The attorneys for the defendant accepted service of a copy of same, therefore it will be unnecessary to have the sheriff serve them with a copy.

Yours very truly,

G/C.

Webb, McAlpine & Grove

FANNIE SMITH, COMPLAINANT,

VS.

FAIRHOPE TRANSPORTATION COMPANY,
DEFENDANT.

NO. 1262.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA.

Interrogatories propounded by Defendant to Complainant.

1st: When and where was Eugene Coleman born?

2nd. State where he has lived from the time of his birth to the present time.

3rd. State whether or not he has been sent to school and, if so, for what periods, giving dates.

4th. State what work he has done since 1910, giving the names of his employers, the length of time employed and the daily or weekly wages earned by him; also how much of such wages he turned over to you.

5th. What has he been doing since he came out of the hospital where he was sent after the alleged accident?

6th. How much money did you have to pay out because of his said accident, and to whom and for what purpose?

7th. Is it not a fact that he was sent to the Marine Hospital and all of his expenses for nursing and medical attendance paid by someone other than yourself?

8th. State how much money he has paid you in the three years prior to May 18th, 1915 and what proportion of his wages would he give you weekly.

9th, Describe carefully the nature of the work he was called on to do on board the Steamer "Apollo", under whose orders, and show why the place he was at work and why the work he was called on to do was dangerous to a person of his youth and inexperience.

vessel and his only duty that of making fast one of the lines used in mooring the vessel, and explain why such work was dangerous to anyone of reasonable care and intelligence.

11th. What was his height and weight on May 18th, 1915?

12th. Describe his exact physical condition at the present time, and state whether he has been able to do any work since coming out of the hospital. If so, what class of work and at what rate of pay?

13th. Is it not a fact that, in applying for employment, he represented to one of the employees of the boat that he had done roustabout work on River boats, and upon such representation was engaged as a temporary deck hand on the "Apollo"?

14th. Is it not a fact that he has made a number of trips on river boats running out of this Port as a roustabout or deckhand? If so, state how many trips he has made.

15th. Who were the physicians who attended him after the accident and were these doctors not paid by either the United States Government or by defendant?

Elliot G. Rickarby Austin & Barber.
Attorneys for Defendant.

STATE OF ALABAMA,)
MOBILE COUNTY.)

Before me, Blanche P. Vestal, a Notary Public in and for said State and County, personally appeared this day Elliott G. Rickarby, who being sworn, says that he is of counsel for the defendant in the above entitled cause and that he believes that the answers to the foregoing interrogatories, if true, will be material testimony for the defendant in said cause.

Elliott G. Rickarby.

Subscribed and sworn to before me
this the 21st day of July, 1916.

Blanche P. Vestal.
Notary Public, Mobile County, Alabama.

Mobile, Alabama, July 21st, 1916.

We hereby acknowledge receipt of a copy of the foregoing interrogatories and waive further notice of the filing of the same.

Webb McQuinn & Groves
Attorneys for Complainant.

2. Gentlemen of the jury, if
you are reasonably satisfied
from the evidence in this ^{case}
case that the plaintiff ^{is}
is entitled to recover, then ⁱⁿ
in estimating your damages,
you may consider, if any,
the damages that will
compensate him for the loss
of Eugene Coleman's services up
to the time of his majority -
or until he reaches the age of
21 years; for each reasonable
amount necessarily expended
out about the treatment and care
of Eugene Coleman and for the
the parents' services while raising the

*James
D. H. H. H.
The County Clerk for the Defendant*

PAUL H. SMITH, Plaintiff

FAIRHOPE TRANSPORTATION CO.,
a corporation, Defendant.

IN THE CIRCUIT COURT OF

ALLEN COUNTY,

ALA.

COMPLAINT

Webb, McAlpine & Conner

Attorneys for Plaintiff

Rec in office April 20th 1916 and on
the 21st day of April 1916 I served
copy of the within Summons and
Complaint on W. O. Minnick Ag
for the Fairhope Transportation Corp
a Corporation

C. E. Eubanks Sheriff

3. Gentlemen of the jury
the negligence of any of the
part of the engine or
no defense to the action

Yours
W. G. Saunders
Jr.

RICKARBY & AUSTILL
LAWYERS
909 10-11 VAN ANTWERP BLDG.
MOBILE, ALA.

IN COUNTY,
FANNIE SMITH
VS
FAIRHOPE TRANSPORTATION COMPANY.

Depositions of Louis J. Keene,
Forbes L. Rebolt, T. E. Dorgan,
Edward Dorgan, L. C. May, C. E. E.
Coster, Marshall T. Jackson, L. A.
Scott and J. M. Scott, witnesses
in behalf of Defendant.

*Received 12/22/1910
J. W. Richerson*

T. W. Richerson, Esq.,
Clerk Circuit Court,
Bay Minette, Ala.

*Received by
order of
court 12/22/10
J. W. Richerson
Clerk*

Fannie Smith

VS

1262

Fairhope Transportation Co

In Circuit Court, Baldwin County,
Alabama.

It is hereby agreed between counsel in this cause that
E. J. Roberts, a witness for Plaintiff, if present would testify
subject to legal objection:

That the fairhope transportation Company owned the Steam-
er "Apollo" at the time of the accident.

That ~~Sgt~~ Minnich, the person who employed Eugene Coleman,
had authority to do so.

That Coleman was put to work on the deck of the Apollo.

That the accident happened at Magnolia Beach landing in
Baldwin County, on the date named in the complaint.

That witness was and is master of the Apollo

That witness asked Coleman about fifteen minutes before the
boat left Mobile, if he had done any decking, and he replied "Yes on
river boats"

That witness will testify the same as Captain E. J. Keene
in answer to the same questions, except as to service aboard the Apollo

W. H. McLaughlin, Jr.
Attys for Pltff
R. L. C. by Austin & B. B.
Att. for Def.