

the debris and logs which had drifted against one of the bridges of the Louisville & Nashville Railroad Company, in Mobile County, Alabama, the said Leander Sims' hand became caught between the cable leading to pulleys at the end of the derrick boom, and the drum upon which the said cable was wound, causing the respondent's hand to be severely injured.

4. Complainant further shows that although the respondent is, and was at all times hereinafter mentioned, a resident of the State of Alabama, and of a County through which the Louisville & Nashville Railroad Company operates its railroad, and the Louisville & Nashville Railroad Company is, and was at all of said times, subject to process of the courts of Baldwin County, and the other Counties in the State of Alabama through which it operates; nevertheless, the said Leander Sims, while a resident of the State of Alabama, filed suit on, to-wit, the 9th day of August, 1922, in the Circuit Court of Hancock County, Mississippi, where the said respondent has never, at any time, resided or been a citizen thereof.

5. Complainant further shows that prejudice against railroads and other corporations exists in the said Hancock County, Mississippi, to such an extent as to render it difficult, if not impossible, for it to obtain justice in the courts of said County, and that the only purpose or reason for filing said suit in Hancock County, Mississippi, is to obtain the advantage of the laws in Mississippi, which are more favorable to plaintiffs in damage suits than defendants, and to further obtain advantage of the prejudice that exists in said County against railroads and other corporations.

6. Complainant shows that the said Leander Sims, after he was injured, as above mentioned, was treated by Dr. Marion Inge, who resides in Mobile County, Alabama. That the said Dr. Marion Inge is a material witness on behalf of the Louisville & Nashville Railroad Company, and under the laws of Alabama

is a competent witness, and his personal attendance in an Alabama court can be had by the Louisville & Nashville Railroad Company, whereas, in the State of Mississippi, under and by virtue of statute and the interpretations placed upon said Statute by the Supreme Court of Mississippi, a confidential relation exists between patient and physician, and the testimony of the said Dr. Marion Inge is not admissible, and cannot be used in the courts of Mississippi, except with the special consent of the respondent, Leander Sims.

7. Complainant further shows that all of the witnesses to the accident to the said Leander Sims are residents of the State of Alabama, and their personal attendance can be compelled in an Alabama court, whereas, there is no way by which the Louisville & Nashville Railroad Company can compel their personal attendance at a trial in the Circuit Court of Hancock County, Mississippi, and without such personal attendance, the Railroad Company could not possibly receive a fair and impartial hearing.

8. Complainant further shows that if the said case is tried in Hancock County, Mississippi, the Railroad Company will be deprived of the right to have a unanimous verdict, concurred in by all twelve jurors selected to try said cause, because under the laws of Mississippi, if nine of the jurors agree upon a verdict, they can render the verdict of the jury and disregard the other three. Complainant shows unto the court that the fact that nine jurors can render the verdict makes it impossible for the railroad to get a fair decision in Hancock County, Mississippi, because there exists in said County such a strong prejudice against railroads and other corporations in favor of all plaintiffs in damage suits, that, as aforesaid, it is difficult, if not impossible, to select a jury which contains more than three men who are not prejudiced against the defendant.

9. Complainant further shows that the method of selecting the jury in said Hancock County, Mississippi, is such as to preclude the defendant from getting a fair and just trial. That it is a practice to excuse from jury service most any one who asks to be excused, or who claims to have business that will be interfered with by service on the jury; that as a result of the practice of excusing such jurors, most of the business men, and those who have gainful occupations, are excused, and the jury panel is then filled by the sheriff, summoning those most convenient at hand, and without drawing the names from a jury box; that there are always a number of men without a profitable occupation, sitting around or loitering near the court house to get an opportunity to serve on the jury, and a majority of these men are illiterate, and the most of them so prejudiced against railroads that they are almost invariably unable to render a fair and impartial verdict in damage suits against railroads.

PRAYER FOR PROCESS.

TO THE END, THEREFORE, that equity may be done in the premises, your complainant prays that the respondent, Leander Sims, may be made a party to this, complainant's bill of complaint, and that due process of subpoena may be issued and served upon the respondent, in accordance with the course and practice of this Honorable Court.

PRAYER FOR RELIEF.

And your complainant does further pray for an injunction pendente lite against the respondent, Leander Sims, and that upon the presentation of this bill of complaint, this Honorable Court will fix a time and place for the hearing of complainant's application for such injunction pendente lite; and that

upon said hearing, a preliminary injunction may issue, whereby the said Leander Sims may be restrained pendente lite from further prosecuting his said suit in the Circuit Court of Hancock County, Mississippi; and that upon the hearing of this cause, such injunction may be ^{made} permanent; and that your complainant may have such other, and further relief as it may be entitled to receive, the premises considered.

And as in duty bound, it will ever pray.

Smith Young Lewis & Austin
Solicitors for Complainant.

FOOT-NOTE: The respondent, Leander Sims, is required to answer each and every allegation in the above and foregoing bill of complaint, from paragraph 1 to 9, inclusive, but not under oath; oath as to such answer being hereby expressly waived.

Smith Young Lewis & Austin
Solicitors for Complainant.

STATE OF ALABAMA,
MOBILE COUNTY. }

Personally appeared before me,

Julia M. Allen,
a Notary Public in and for said State and County, Clark, who, upon oath deposes and says that he is authorized to make this affidavit on the part of the Louisville & Nashville Railroad Company, and that the allegations contained in the foregoing bill of complaint are true.

J. H. Clark

Subscribed and sworn to before me,
this, the 9th day of February,
1923.

Julia M. Allen
Notary Public, Mobile County, Alabama.

To the Register in Chancery of the Circuit Court of Baldwin County, Alabama,

Upon Complainant entering into bond in the sum of One thousand (\$1000.00) dollars conditioned and payable

as provided by law let preliminary injunction issue

as prayed for in the within bill

Done at Brewton, Alabama, this the 23rd day

of February, 1923.

John D. Leigh
Judge of the 21st Judicial Circuit of Alabama, In Equity.

ROBERT CONLEY
SHERIFF OF BALDWIN

REGISTERED FOR COMPLIANCE

under oath: each as to each answer being hereby expressly

sworn to and affirmed, and the same being duly sworn to and affirmed

to answer each and every interrogatory in the above and foregoing

EXHIBIT-1000

*Filed February 9th 1923
W. R. Stewart
Register*

REGISTERED FOR COMPLIANCE

RECORDED

and as in and to the said bill, and as in and to the said bill

be certified to the Register in Chancery of the Circuit Court of Baldwin County, Alabama,

and the same being duly sworn to and affirmed, and the same being duly sworn to and affirmed

to answer each and every interrogatory in the above and foregoing

sworn to and affirmed, and the same being duly sworn to and affirmed

to answer each and every interrogatory in the above and foregoing

sworn to and affirmed, and the same being duly sworn to and affirmed

to answer each and every interrogatory in the above and foregoing

sworn to and affirmed, and the same being duly sworn to and affirmed

to answer each and every interrogatory in the above and foregoing

sworn to and affirmed, and the same being duly sworn to and affirmed

Original

*Received
Office Feb 10 1923
W. R. Stewart
of Baldwin*

*Acquitted Feb 17 1923
by leaving copy of
Within with sender
Jims*

*W. R. Stewart
Sheriff
By B. C. Obry
Deputy Sheriff of
Baldwin Co*

State of ~~Mississippi~~,
County of Escambia.

Personally appeared before me the undersigned authority in and for said County and State, C. L. Waller, who being by me first duly sworn stated as follows:

That he is an attorney of Bay St. Louis, Mississippi, has resided there for about nine or ten years during which time he has been in the practice of law. He denies that there exists any prejudice in Hancock County, Mississippi against the Louisville and Nashville Railroad Company so that the said Company could not obtain a fair and impartial trial in said County of the case of Leander Sims vs the said Railroad Company. That the method of selecting the jury in said County is not as alleged in the petition filed in this Court by the said L. & N. R. R. CO.; that at the last term of the Circuit Court of Hancock County, Mississippi, there were on the jury three bankers, a director in the largest saw mill corporation in that section of the State, as well as a number of other employess of corporations, bookkeepers, etc. That it is not the practice to select loiterers and persons without gainful occupations. That the suit in said cause was filed in the Circuit Court of Hancock County, Mississippi because of the fact that the law firm of Gex & Waller, attorneys for the said Leander Simms, reside at Bay St. Louis, Hancock County, Mississippi, are familiar with the laws of the State of Mississippi, and are not familiar with the laws of the State of Alabama; that the suit in Hancock County of Leander Simms vs the L. & N. R. R. CO. is filed under the Federal Employers Liability Act of Congress and not under the laws of the State of Mississippi; that as attorneys for the said Leander Simms they hereby agreed to waive the privilege accorded the said Simms under the laws of the State of Mississippi to object to the testimony of Dr. Marion Inge in the trial of said cause in Hancock County, Mississippi; that affiant did not know of but one ~~per~~ damage suit which the defendant had ever won in Hancock County, Mississippi. That in Mississippi nine jurors could bring in a verdict; that a plaintiff in Mississippi has a right to object to testimony of any physician who has treated him, which is a privilege that plaintiff may waive; that the law firm of Gex & Waller have an assignment of an interest in the saw cause pending in Hancock County, Mississippi.

C. L. Waller

Sworn to and subscribed before me this the 23rd day of February, 1923.

John D. Leigh
Judge of 21st
Judicial Circuit
of Alabama

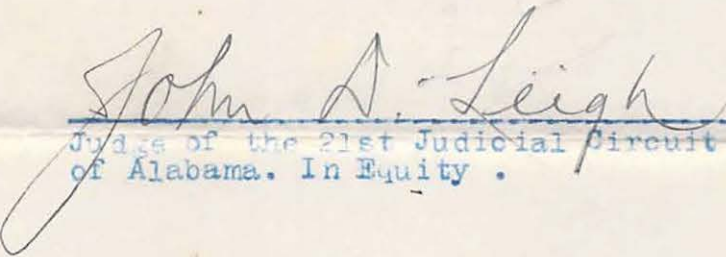
Louisville & Nashville)
Railroad Company, a Cor-)
poration,)
Complainant,)
vs)
Leander Sims,)
Respondent,)

In the Circuit Court of
Baldwin County, Alabama.
In Equity.

This cause, coming on to be heard by agreement between the parties, and orally argued before the Court, is submitted upon the demurrer to the Bill of Complaint, and upon consideration of the same the Court is of the opinion that said demurrer is not well taken.

It is therefore ordered, adjudged and decreed that said demurrer be, and it is hereby, over-ruled.

Done at Brewton, Alabama, this the 23rd day of
February, 1925.



Judge of the 21st Judicial Circuit
of Alabama. In Equity.

2/23/1923
Mr. G. W. R.
this is OK
J. L. P. [unclear]

STATE OF ALABAMA,)
COUNTY OF BALDWIN.)

IN THE CIRCUIT COURT
OF BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

We command you, that without delay, you execute this writ and due return thereof, how you have executed the same, make to us at a term of the Circuit Court, to be held in the County of Baldwin, and State of Alabama.

J. W. Ricusson

Register, Circuit Court, Baldwin
County, Ala.

LOUISVILLE & NASHVILLE RAILROAD COMPANY,
a corporation,

COMPLAINANT,

VS.

LEANDER SIMS,

DEFENDANT.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALA.
IN EQUITY.

TO LEANDER SIMS,

DEFENDANT IN THE ABOVE STYLED CAUSE:

WHEREAS, the Louisville & Nashville Railroad Company has heretofore filed its bill of complaint in our Circuit Court against you, praying, among other things, that you be enjoined and restrained from further prosecuting this suit which you, on, to-wit, the 9th day of August, 1922, brought in the Circuit Court of Hancock County, Mississippi, in which you seek to recover damages against the said Louisville & Nashville Railroad Company, ^{on} account of injuries alleged to have been sustained by you while in the

employ of said Company; and,

WHEREAS, on said bill being exhibited to the Honorable John D. Leigh, Judge of the Circuit Court for the Twenty-first Judicial Circuit of Alabama, on the 23rd day of February, 1923, he did order that upon complainant's entering into bond, with sureties, in the sum of One thousand (\$1000⁰⁰), and approved by the Register of this court, payable to and conditioned according to law, a writ of injunction issued out of said court, according to the prayer of said bill; and,

WHEREAS, bond has been given, as required by said order:

THESE, THEREFORE, are to command you, and strictly enjoin you from prosecuting your said suit in the said Circuit Court of Hancock County, State of Mississippi, against the said Louisville & Nashville Railroad Company, until further orders from this court; and this you will in no wise omit, under penalty.

WITNESS MY HAND, this, the 23 day of February, 1923.

J. W. Richardson

Register Circuit Court, Baldwin County, Ala.

RECORDED

[Faint handwritten notes and signatures in the left margin]

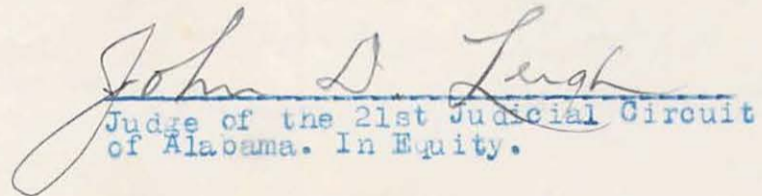
Louisville & Nashville)
Railroad Company, a)
Corporation,)
Complainant,)
vs)
Leander Sims,)
Respondent.)

In the Circuit Court of
Baldwin County, Alabama,
In Equity.

This cause, coming on to be heard by agreement between the parties, and orally argued before the Court, is submitted upon the Bill of Complaint and the affidavit of Gregory L. Smith, for the Complainant, and the Answer to the Bill of Complaint and the affidavit of W. L. Waller, for the Respondent, and upon consideration of the matter the Court is of the opinion that the Complainant is entitled to the relief prayed for in this Bill of Complaint.

It is therefore ordered, adjudged and decreed that the Complainant, upon entering into bond in the sum of One thousand (\$1000.00) dollars conditioned and payable as provided by law let preliminary injunction issue as prayed for in the within Bill.

Done at Brewton, Alabama, this the 23rd day of February, 1923.


Judge of the 21st Judicial Circuit
of Alabama. In Equity.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY,
a corporation,

COMPLAINANT,

VS.

LEANDER SIMS,

RESPONDENT.

NO. _____.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALA.
IN EQUITY.

12
This matter being presented to me on application of the
Louisville & Nashville Railroad Company, complainant in the
above styled cause, for injunction pendente lite, against
Leander Sims, the respondent in said cause:

IT IS ORDERED, ADJUDGED AND DECREED that said application
pendente lite be, and the same is hereby set for hearing before
me, at one o'clock, P. M., at Brewton, Alabama, on the 16th
day of February, 1923.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
respondent, Leander Sims, be given at least three days' notice
of the time and place set for the hearing of said application,
and that a copy of the bill of complaint in this cause be
served on respondent.

DONE AT BREWTON, ALABAMA, this, the 9th day of
February, 1923.

John D. Leigh

Judge.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY,
a corporation,

COMPLAINANT,

VS.

LEANDER SIMS,

RESPONDENT.

No. _____.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALA.
IN EQUITY.

Now comes the respondent Leander Sims and presents this his demurrer to the petition exhibited against him in said cause, and says that the said action should not be prosecuted for the following reasons:

1st. That there is no equity on the face of the bill.

2nd. That this court is without jurisdiction to hear and determine said matter.

3rd. That the petition seeks a relief which would be in effect an attempt to control or interfere with the Circuit Court of Hancock County, Mississippi in the exercise of its jurisdiction under the laws of the State of Mississippi.

4th. That the petitioner has a full, adequate and complete remedy under the laws of the State of Mississippi, and under the laws of the United States.

5th. That such a proceeding will be violative of the Constitution of the United States.

6th. For other causes to be assigned at the hearing.

LEANDER SIMS

BY Geo. Walker & Moore

We, GEX, WALLER & MORSE, Attorneys for
Leander Sims in the above matter, do hereby certify that in
our opinion the foregoing demurrer is well taken and should be
sustained and that same is not filed for the purpose of delay.

Gex Waller & Morse
Attorneys for Respondent.

RECORDED

LOUISVILLE & NASHVILLE
RAILROAD COMPANY,
a corporation,

COMPLAINANT,

VS.

LEANDER SIMS,

RESPONDENT

No. _____

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA.

IN EQUITY.

TO THE HONORABLE JOHN D. LEIGH,

JUDGE OF THE CIRCUIT COURT

FOR THE TWENTY-FIRST JUDICIAL CIRCUIT

OF THE STATE OF ALABAMA,

SITTING IN EQUITY:

Now comes the respondent Leander Sims, and for answer to the petition exhibited against him in the above styled cause, says:

He admits allegations in paragraphs one, two, three and four in the said petition.

Respondent denies that prejudice exists against railroads and other corporations in Hancock County, Mississippi, to such an extent as to render it difficult or impossible for it to obtain justice, and denies that the only purpose or reason for filing said suit in Hancock County, Mississippi was to obtain advantage of the laws of Mississippi, and to obtain advantage because of alleged prejudices in said county against railroad and other corporations.

Answering paragraph six respondent says that Dr. Marion Inge is not a material witness in said cause, for the reason that the injury is one to his hand and is plainly apparent, and does not require the opinion of the said witness

to aid the jury in arriving at a just verdict, *but said respondent through his attorney hereby agrees to waive any privilege he might have to object to the testimony of said witnesses in said case.*

Answering paragraph seven of the said petition, respondent says that the witnesses in said case are all in the employ of the Louisville & Nashville Railroad Company, Complainants herein, and that the said complainant can procure their attendance at court without process, and further, that the said complainant, under the laws of the State of Mississippi, has a right to take their depositions and use same if it so desires.

Answering paragraph eight respondent admits that under the laws of the State of Mississippi, nine jurors may bring in a verdict, but respondent denies that this would prevent the said complainant from obtaining a fair decision in Hancock County, Mississippi because laws of the said state permit a majority verdict to be rendered.

Respondent again denies that there exists a strong prejudice against railroad and other corporations and in favor of all plaintiff's in damage suits so as to make it difficult, if not impossible, to select a jury which contains more than three men who are not prejudiced against the said defendant.

Answering paragraph nine respondent denies that the method of selecting a jury in Hancock County, Mississippi, is such as to preclude the defendant from getting a fair and just trial. Denies that it is a practice to excuse from jury service almost any one who asks to be excused, or claims to have business that would interfere with their jury service, and denies that most of the business men who have gainful occupations are excused, and that the jury panel is then filled by the sheriff from among those waiting around, or loitering near the court house, without a profitable occupation, seeking an opportunity to serve on the jury, and denies that a majority of these are illiterate, and that most of them are so prejudiced against railroads that they are almost invariably unable to render a fair and

impartial verdict in damage suits against railroads.

Now having answered the allegations in said petition, or so much thereof as the respondent is advised it is necessary to answer, respondent further says that on August 3rd, 1922, the complainant, in consideration of the legal services rendered and to be rendered him by his attorneys W. J. Gex and C. L. Waller in and about the recovery of damages from the Louisville & Nashville Railroad Company, for injuries received as referred to in the bill of complaint herein, did assign and set over unto the said Gex & Waller an undivided one-half interest in whatever amount was recovered over and about the sum of \$1150.00, as shown by copy of said assignment hereto attached and marked exhibit "A" to this answer. That by virtue of the said assignment the said Gex & Waller, who are resident citizens of Hancock County, Mississippi, are parties in interest to said suit to the extent hereinabove set forth, and that as such, under the laws of the State of Mississippi, they have a right to bring said suit in the name of the respondent, or in their own name, or in the name of the respondent and themselves jointly, and that this court is therefore without jurisdiction to enjoin the prosecution of this cause, for the reason that the said Gex & Waller are not before this court, and are not citizens of the State of Alabama.

Further answering said petition, respondent says that the Circuit Court of Hancock County, Mississippi has full and complete jurisdiction to try said cause, and that it will do so fairly and impartially. That under the laws of the State of Mississippi the complainant herein has an adequate remedy at law to apply for a change of venue to some other county in the State of Mississippi wherein there exists no such alleged prejudices against corporations as is complained of by the complainant.

That there also exists to the complainant the right, so respondent is informed and believes, to apply to the Federal Court of the Southern Division of the Southern District of Mississippi, for transfer of said cause in the said court upon a showing of prejudice as detailed in the petition herein.

Respondent denies that the said suit was brought in Hancock County for the purpose of gaining an unfair advantage over the complainant, but states the fact to be that he employed his attorneys in said cause and that the suit was filed in Hancock County, Mississippi, because of the fact that his attorneys reside in said county and are more familiar with the procedure in the courts in the State of Mississippi than in the courts in Alabama.

Further answering the said petition respondent would show unto the court that the suit filed in the Circuit Court of Hancock County, Mississippi against the complainant herein, is a suit brought under the Federal Employer's Liability Act of Congress and is not founded upon the laws of the State of Mississippi, and were the said suit tried in the State of Alabama it would also be tried under the Federal Employer's Liability Act, and not under the laws of the State of Alabama.

Now, having answered said petition as fully as respondent is advised it is necessary to answer, respondent prays that the said petition be dismissed at the cost of the petitioner. *Ch. Waller*

Sworn to & subscribed,
before me on the 23rd
day of February 1923

Lander Seim
By *Jax Waller*, his atty.

John D. Leigh
Judge of the Judicial
Circuit of Alabama.

This Contract entered into by and between Gex & Waller, and Leander Sims, evidences as follows: That Leander Sims has this day employed Gex & Waller, to represent him in a suit against the Louisville & Nashville Railroad Company for an injury occurring to said Leander Sims on the 13th day of March, 1922 at Magazine Point, Alabama, in which said Leander Sims had the fingers on his left hand mashed. Said Sims has given to Gex & Waller an assignment for their services of 50% of what they recover. However, this is to evidence the fact that of the recovery, Gex & Waller are not to get anything until the verdict, or unless the verdict exceeds \$1150.00. If it exceeds \$1150.00 they are to get what it exceeds up to another \$1150.00. After that the amount is to be divided equally, between said Sims, and Gex & Waller.

In other words, the purpose of this agreement is to evidence the fact that while Gex & Waller are to receive 50% of what they recover, they are not to charge any part of their 50% of the total, until Sims has received \$1150.00 when they are to take an amount equal to that sum, but if the verdict should be less than \$2300.00 they, Gex & Waller, are only to receive the difference between \$1150.00 and what the verdict shall be.

Witness our signatures this the 3rd day of August, 1922.

Leander Sims

GEX & WALLER

BY W. J. Gex

<u>LOUISVILLE & NASHVILLE RAIL-</u>	:	
<u>ROAD COMPANY, a corporation,</u>	:	NO. _____.
	:	
<u>COMPLAINANT,</u>	:	IN THE CIRCUIT COURT OF
	:	
<u>VS.</u>	:	BALDWIN COUNTY, ALABAMA.
	:	
	:	IN EQUITY.
<u>LEANDER SIMS,</u>	:	
	:	
<u>RESPONDENT.</u>	:	

Personally appeared before me, _____,
a Notary Public in and for the County of Mobile, State of
Alabama, Gregory L. Smith, who, being sworn, deposes and says:

That he is a practicing lawyer residing in the City
of Mobile, State of Alabama, and has been practicing in all of
the courts of the State and in the Federal Courts for many
years; that he has been practicing law in Alabama since 1894.
During the latter period, he has practiced almost continuously
in the County of Hancock, State of Mississippi, in the defense
of actions against the Louisville & Nashville Railroad Company
for the recovery of damages for injuries to persons and to prop-
erty.

That he has been an attorney for the Louisville &
Nashville Railroad Company for the County of Mobile, Alabama,
and the State of Mississippi, since 1881, and, prior to that,
was general counsel of the Mobile & Montgomery Railway Co.,
which is now a part of the Louisville & Nashville Railroad Co.;
that he is familiar with the corporate history of both of said
roads, and with the location of the main stem of the Louisville
& Nashville Railroad. That the Louisville & Nashville Railroad
Company is organized under the laws of Kentucky, and has its
principal place of business in Louisville, in the State of Ken-
tucky, and that its main line extends from Decatur, Alabama,
thru the State of Alabama to a point on the coast of the Miss-
issippi Sound where Alabama adjoins Mississippi. Said railroad
passes thru Escambia, Baldwin and Mobile Counties in the State

of Alabama, and thru Jackson, Harrison & Hancock Counties in the State of Mississippi.

That the Louisville & Nashville Railroad Company, under the laws of Alabama, is subject to the process of the courts of Baldwin County, and of the other counties in the State of Alabama thru which it operates.

That the county of Hancock in the State of Mississippi, is not a populace county, and that the restrictions upon the qualifications of jurors in the State of Mississippi reduces the qualified jurors to a very limited number, so that such of the citizens as are qualified are repeatedly summonsed as petty jurors. Their dispositions and prejudices towards corporations are well known to the practicing attorneys of said county. A majority of such jurors are farmers with little business experience, and of limited education; it is always difficult to get a business man on a jury, and it is almost impossible to successfully defend a corporation against a damage suit in that county. The difficulties of defending such suits are well known and fully appreciated, both by the members of the bar bringing suits and those defending them. So well known is the reputation of the county in this respect that it is a frequent practice for those having suits against the railroad upon causes of action arising elsewhere in Mississippi to threaten that unless the railroad settles upon terms agreeable to the claimants, they will bring their suits in Hancock County, and they have the right, under the laws of Mississippi, to bring such suits in any county thru which the road operates.

In addition to this, it is a frequent practice for persons residing in other states to bring their suits in the State of Mississippi, and especially in Hancock County, because of the general understanding that great prejudice exists in Hancock County against corporations.

Under the laws of Mississippi, causes are triable by a jury of twelve, but only nine of the twelve jurors are required to concur in the verdict, and this greatly increases the difficulties encountered in defending suits against corporations,

and increases the proportion of verdicts against defendant corporations manyfold.

In addition to this, under the laws of the State of Mississippi, all information which a doctor obtains, either directly from the person who is plaintiff in the action, or by an examination of such person, is held to be a privileged communication to which the physician cannot testify except at the instance of such person. Even where the plaintiff introduces a physician to testify upon his own behalf, no other physician can testify against the plaintiff as to the same or any other matters based either upon the statements of the plaintiff or upon his physical examination. The result of this law is to place it in the hands of the plaintiff to produce such expert testimony as may be favorable to him, and to exclude all expert testimony in contradiction thereof.

Gregory L. Smith

Subscribed and sworn to before me, this, the 22nd day of February, 1923.

Natalie C. Inbert.

Notary Public, Mobile County, Ala.

STATE OF ALABAMA,)

BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS,

That we, Louisville & Nashville Railroad Company, a corporation, as principal, and _____

American Surety Company, as surety, are held and firmly

bound unto Leander Sims, his heirs, personal representatives and assigns, in the sum of One Thousand Dollars

(\$1000.00) Dollars, for the payment of which,

well and truly to be made, we bind ourselves, our heirs, executors and assigns, jointly and severally, firmly by these presents.

SEALED WITH OUR SEALS AND DATED, this, the 23rd day of February, 1923.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That, WHEREAS, the said Louisville & Nashville Railroad Company has prayed for and obtained from the Circuit Court of Baldwin County an order or decree restraining and enjoining the said Leander Sims from prosecuting, until further orders of the Circuit Court of Baldwin County, Alabama, a certain cause that he has pending against the said Louisville & Nashville Railroad Company, in the Circuit Court of Hancock County, State of Mississippi:

NOW THEREFORE, if the said Louisville & Nashville Railroad Company shall pay all damages and cost which any person may sustain by the suing out of such injunction, if the same is dissolved, then these presents shall become null and void, and of no effect; otherwise, to remain in full force and virtue.

Taken and approved, this, the 23 day of February, 1923.

T. W. Peterson
Register Circuit Court, Baldwin County, Alabama.

LOUISVILLE & NASHVILLE RAILROAD COMPANY,

By Harry N. Smith
Att'y for L & N RR Co.

AMERICAN SURETY COMPANY
OF NEW YORK

By T. W. Peterson
Surety in fact.