

~~Hardin Childers offered~~

~~Seaman offered~~

~~L. E. ...~~

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...
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Instruction No. 1.

Memo

The Court instructs the jury that if they shall believe from the evidence that at the time the decedent, Jay Childers, received the injuries from which he died he was employed by the defendants in Inter-State Commerce, and the defendants were engaged in Inter-State Commerce and that the said Jay Childers, deceased, left no surviving widow or children, or child, and that the plaintiff, Hardin Childers is the father of said Jay Childers deceased, and was dependent upon the said Jay Childers, deceased, and that the mother of said Jay Childers was then dead, and shall further believe from the evidence that the defendants' employee or employees in charge of the engine and train, upon which the said decedent was working, if he was, at the time of his injury, negligently operated said engine or train in such a manner, as to cause the car upon which the decedent was then working, if he was, to be jerked in a violent, unusual, and unnecessary way, and that by reason thereof the decedent, Jay Childers, was jerked or thrown from such car or train, and run over by said train, or any car or cars therein, and received the injuries, if any, from which he thereafter died, they will find for the plaintiff and fix his damages as set out in instruction No. 2, but unless they so believe from the evidence, they will find for the defendants.