

Letcher Circuit Court.

D.D. Ison,-----Plaintiff.

-vs-

Petition

Louisville & Nashville Railroad Co.,
Lexington & Eastern Railway Co.,-----Defendants.

The plaintiff states that he is a citizen and resident of Chip, Post-office in Letcher County, Kentucky, and engaged in selling goods, wares and merchandise at said place. He states that at Poor Fork, Kentucky, on the 27th, dat of November 1921, he delivered to the defendant, Louisville & Nashville Railroad Company, which was a common carrier of property between Poor Fork Kentucky and Whitesburg, Kentucky, various crates containing furniture, household goods, groceries, hardware, shoes and carpets, all of which were in good order and belonged to plaintiff to be delivered to him at Whitesburg, Ky., Said shipment weighed 12,000 pounds and which was rated as third-class and the defendant, Louisville & Nashville Railroad Co., was to receive a reward of ninety-four cents per hundred weight of said crates, and shown by a receipt of the date aforsaid, signed by the defendant, Louisville & Nashville Railroad Company's agent, R.L. Shipley and filed herewith and made part hereof and marked "A" for identity.

That the defendant, Louisville & Nashville Railroad Company transported said car load of goods, wares and merchandise to Winchester, Kentucky over its said line and transferred said crates to its co-defendant, Lexington & Eastern Railroad Company, which was a common carrier of goods for hire from Lexington, Kentucky to Whitesburg, Kentucky, through Winchester, Kentucky and that said car was hauled by said Lexington & Eastern Railway Company from Winchester, Kentucky to Whitesburg, by an agreement between it and its co-defendant, Louisville & Nashville Railroad Company, that by the negligence of the defendants and each of them, eleven pieces of the said furniture and many pair of said shoes of the value of \$85.00, were broken wet, scard, damaged and rendered practically worthless.

Plaintiff further states that the above described goods were dispatched as aforsaid, in good order, over the Louisville & Nashville Company's line from Poor fork, Kentucky, consigned to Whitesburg, via of Winchester, Kentucky, and that the regular tarriff or freight rate from Poor Fork, Ky. to Whitesburg, Ky., is ninety-four cents per hundred weight for goods of this class, kind and character, in carload lots. He states that it was distinctly understood and agreed by and netween him and R.L. Shipley, Defendant, Louisville & Nashville Railroad Company's Freight agent at Poor Fork, Kentucky, that said rates would be ninety four cents per hundred weight, and that said car should be billed out at the minimum furniture carload weight of 21,000 pounds, thus making the net total amount of freight to Whitesburg, Ky., \$128.00, and no