

Police Court, Harrodsburg.

W. N. Brown, Jr.,

Plaintiff,

-v- Statement.

Southern Railway Co in Ky

Defendant.

Plaintiff comes and for statement of facts, and without waiving its right to plead orally herein says, that of Feby 20, 1912 he delivered to the defendant at Harrodsburg, in Mercer County, Ky, 17 cases of eggs which eggs were for transportation to Cincinnati, in the State of Ohio; that at that time and place the defendant executed and delivered to it a bill lading covering said shipment and by said bill lading it agreed to transport said shipment of eggs, by and through the aid of its connecting lines and carriers to the City of Cincinnati Ohio and there to deliver the same to B. A. Winkler & Co, without delay, and within a reasonable time; the original bill lading is in the possession of the defendant and not in the possession of Plff and Plff can not file the original or a copy thereof; that if said shipment had been transported within a reasonable time and without delay, it would^{and could} have been delivered in Cincinnati Ohio in time for the market of the 23rd of Feby 1912, but the defendant and its connecting lines and carriers so delayed the transportation of said shipment of eggs that it was not delivered in Cincinnati Ohio until too late for the market of the 23rd, and it was sold on the market of the 24th; that the market of the 24th was six cents per dozen lower than the market of the 23rd, and said shipment contained 510 dozen of first class eggs, and by reason of the delay in transporting said shipment the Plff lost the difference in said market price which was \$30.60; that said shipment was intended for re-sale on the Cincinnati market and was so known and understood by the defendant; that it was an interstate shipment.

Wherefore he prays judgment for \$30.60 and costs.

C.E.Rankin, Atty for Plff.