

THE STATE OF TEXAS
COUNTY OF ANGELINA.

Whereas, there is pending in the district court of Angelina County, Texas, a suit styled "William H. Smith vs. Texas Southeastern Railroad Company, being cause No. 2339 on the docket of said court, and in which the said William H. Smith seeks to recover of the defendant railroad company the sum of twenty thousand dollars damages because of personal injuries inflicted upon him while in the employ of said defendant, which said injuries are therein alleged to have been inflicted on or about the 10 day of August, 1908.

And whereas, there is pending in the county court of Angelina County, Texas, a suit wherein the Texas Southeastern Railroad Company is plaintiff and William H. Smith is defendant, being cause No. 224 on the docket of said court, wherein the said railroad company seeks to recover of the said William H. Smith the sum of \$484.50, on accounts therein stated;

And whereas, the said William H. Smith and the said Texas Southeastern Railroad Company have this day made an agreement and settlement of both of said suits, on the following basis:

1st. The Texas Southeastern Railroad company has this day paid to the said William H. Smith the sum of two thousand dollars, cash, the receipt of which is hereby acknowledged by the said William H. Smith, and further hereby agrees to cause to be dismissed, at its own cost and expense, the suit of said railroad company against said Smith pending in the county court of Angelina County, Texas, being cause No. 224, and cancel all indebtedness against the said William H. Smith evidenced thereby; the payment of which said sum of two thousand dollars, and the dismissal of said county court case, and the cancellation of the indebtedness evidenced thereby, being intended, and is hereby accepted by the said William H. Smith, as full payment and satisfaction of all demands of the said William H. Smith against the said Texas Southeastern Railroad Company, as contained in and complained of by the said William H. Smith, in cause No. 2339, entitled William H. Smith vs. Texas Southeastern Railroad Company, pending in the district court of Angelina County, Texas, and in addition is to be a full payment and satisfaction of

any and all other claims and demands of the said William H. Smith ~~xxx~~ against the said Texas Southeastern Railroad Company, whether the same be based upon tort or contract, and whether the same be now known or unknown to the said William H. Smith.

2d. The said William H. Smith, in consideration of the consideration paid to and granted him, as set out in the foregoing clause, by the Texas Southeastern Railroad Company, does by these presents for himself, his heirs, executors and administrators, release and forever discharge the said Texas Southeastern Railroad Company of and from all manner of debts, demands, obligations, liabilities, suits and causes of action, whether the same be due or based upon tort or contract, whatever, against said railroad company, and further hereby agrees to cause to be dismissed forthwith a certain suit pending in the district court of Angelina County, Texas, entitled William H. Smith vs. Texas Southeastern Railroad Company, being cause No. 2339 on the docket of said court, which said suit is to be dismissed at the cost and expense of the said defendant Texas Southeastern Railroad Company.

Now therefore, know all men by these presents, that I, William H. Smith, of said county and state, in consideration of the premises aforesaid, and of the full and final payment made to me of the sum of two thousand dollars, and of the dismissal by said Texas Southeastern Railroad Company of the aforesaid suit pending against me in the county court of Angelina County, Texas, and in which the said railroad company is plaintiff, and of the payment by said railroad company of all costs in both of the suits above described, the receipt of which is hereby acknowledged and confessed, do by these presents, for myself, my heirs, executors and administrators, release and forever discharge the said Texas Southeastern Railroad Company, and any and all insurance and indemnity companies with whom it might have been insured and indemnified, of and from all manner of debts, demands, obligations, liabilities, suits and causes of action whatever, against said Texas Southeastern Railroad Company, in any manner or claim, under, held, or possessed by me, the said William H. Smith, in my own right, at the time of executing these presents, whether the same be based upon tort or contract, and whether the same be known or unknown to me at the present time, and I do hereby release and discharge said railroad com-

pany from any and all liability to me for injuries complained of by me in said cause No. 2339, pending in the district court of Angelina County, Texas, and from any and all injuries that may hereafter result to me or be suffered by me because of the accident therein complained of.

Witness my hand this second day of November, A. D. 1910.

Wm. H. Smith

J. D. Fournier
Geo. Sweers
Wright Jordan

Attorneys for William H. Smith, in cause No. 2339, pending in the District Court of Angelina County, Texas.

THE STATE OF TEXAS | Before me, the undersigned authority, a COUNTY OF ANGELINA. | notary public, in and for Angelina County, Texas, on this day personally appeared William H. Smith, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this second day of November, 1910.

W. H. Jordan

Notary Public, Angelina County, Texas.

NO. 2339.

WILLIAM H. SMITH
vs/

TEXAS SOUTHEASTERN R. R. CO.

RELEASE, AGREEMENT & SETTLE-
MENT.