

W. A. - Weekly  
 vs. Baldwin Rate Piling Co.

JURY LIST - JUNE 13, 1966

6570

- ~~1. Agerton, R.H., Jr., Newport, Bay Minette~~
- ~~2. Allen, James B., Jr., Farmer, Lillian~~
- ~~3. Barnhill, David, Postmaster, Robertsdale~~
- ~~4. Bodden, C.A., Ala. Power Co., Bay Minette~~
- ~~5. Bray, S.A., Civil Service, Spanish Fort~~
- ~~6. Bruhn, Henry C., Civil Service, Elberta~~
- ~~7. Buchanan, D. L., Grand Hotel, Fairhope~~
- ~~8. Dalman, George W., Shipyard, Fairhope~~
- ~~9. Burmeister, Fritz, Farmer, Fairhope~~
- ~~10. Casteel, Jim, Brookley Field, Elsenor~~
- ~~11. Coleman, Cecil, Brookley Field, Bay Minette~~
- ~~12. Chestang, J.C., Civil Service, Stapleton~~
- ~~13. Crawford, Russell M., Electrician, Bay Minette~~
- ~~14. Crosby, John D., Jr., Millman, Bay Minette~~
- ~~15. Duffee, Kenneth, Brookley Field, Stockton~~
- ~~16. Dukes, Doris, Merchant, Foley~~
- ~~17. Egerton, James J., Farmer, Bay Minette~~
- ~~18. Gable, Bill, Laborer, Fairhope~~
- ~~19. Garner, Carey, Klemp, Fairhope~~
- ~~20. Garrick, Woodrow, Southern Auto Parts, Fairhope~~
- ~~21. Hadley, Shomo, Street Dept., Foley~~
- ~~22. Holmes, Ernest, Clerk, Bay Minette~~
- ~~23. Humphrey, Charles C., Salesman, Bay Minette~~
- ~~24. Kendrick, Rivers, Farmer, Robertsdale~~
- ~~25. Langham, Ernest, Carpenter, Fairhope~~
- ~~26. Latt, Leroy, Brookley Field, Daphne~~
- ~~27. Little, Clyde, Mechanic, Bay Minette~~
- ~~28. Long, Alfred, Farmer, Stockton~~
- ~~29. McGill, Harold B., Merchant, Perdido~~
- ~~30. McKinley, Alex D., Post Office, Bay Minette~~
- ~~31. Morris, Ossie Victor, Farmer, Gateswood~~
- ~~32. Mosley, A.A., Builder, Stapleton~~
- ~~33. Pittman, Joe T., Farmer, Gateswood~~
- ~~34. Sheldon, Edward, Brick Layer, Fairhope~~
- ~~35. Smith, Sidney K., State Employee, Bay Minette~~
- ~~36. Stewart, Aubrey J., Farmer, Rabon~~
- ~~37. Stewart, Frank, State Emp., Gulf Shores~~
- ~~38. Still, Harry, Merchant, Bay Minette~~
- ~~39. Sute, Anthony, Banker, Foley~~
- ~~40. Thompson, Joseph, Newport Industry, Bay Minette~~
- ~~41. Waters, J. Douglas, Farmer, Gateswood~~
- ~~42. Harrington, Allen, Grand Hotel, Fairhope~~

P. XXXX XXXXX XXXX E

D. XXXX XXXXX XXX E

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STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Baldwin Pole and Piling Company, Inc., a corporation, to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of W. A. Weekley.

WITNESS my hand this 24 day of June, 1965.

*Alice J. Smith*  
Clerk

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W. A. WEEKLEY,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
BALDWIN POLE AND PILING	X	AT LAW
COMPANY, INC., a corpora-	X	CASE NO. <u>16570</u>
tion,	X	
Defendant.	X	

1.

The Plaintiff claims of the Defendant FIVE THOUSAND (\$5,000.00) DOLLARS as damages because: The Plaintiff owns the following described land in Baldwin County, Alabama, to-wit:

Lots 25 and 26 of R. E. Lee's Subdivision of a part of the West Half of the Northeast Quarter of Section 10, Township 2 South, Range 3 East; ALSO

Begin at the Northwest Corner of the Northeast Quarter of Section 10, Township 2 South, Range 3 East, thence South along the West line of said Northeast Quarter 1013 feet to a point in the Northerly line of R. E. Lee's Subdivision, thence Easterly along the Northerly line of said subdivision 646 feet to a point in the Westerly line or right-of-way of the L & N Railroad, thence Northeasterly along said right-of-way of said railroad to a point in the West line of the Northeast Quarter of the Northeast quarter of said Section 10,

thence North 25 feet to the Northeast Corner of said Northwest Quarter of Northeast Quarter, thence West 1350 feet to the point of beginning, containing approximately 23 acres in the Northwest Quarter of the Northeast Quarter of Section 10, Township 2 South, Range 3 East.

which he uses as a farm and for pasture for livestock. The Plaintiff avers that one of the tributaries of Hollinger's Creek runs across this tract of land. That the Plaintiff used this as a source of water for his livestock. Plaintiff avers further that the Defendant owns and operates a business where he impregnates timber, logs and wood with creosote and other bitumuls products. That this business is located so that the rain and other drainage from it flows across the Plaintiff's land. Plaintiff avers that during the past year the Defendant, acting by and through its agent, servant or employee, then and there acting within the line and scope of their employment, have so negligently operated this business as to cause or allow creosote and other bitumuls products and waste material from this mill to spill on the ground. Plaintiff avers that as a direct and proximate consequence of said negligence, gravity and rain have caused the creosote, waste material and other bitumuls products to flow upon and across the Plaintiff's land creating foul and obnoxious odors and have so polluted the stream crossing the Plaintiff's land as to make the water unfit for livestock, and has done permanent damage to the Plaintiff's land, all to the loss of the Plaintiff in the aforesaid amount.

WILTERS & BRANTLEY

BY:

*William M. Brantley*  
Attorney for the Plaintiff

Plaintiff demands a trial by jury.

WILTERS & BRANTLEY

BY:

*William M. Brantley*  
Attorney for the Plaintiff

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*Defendant's Address: Bay Minette, Ala. 6-4-6-28-65*

Mo. 6570

W. C. Weekly

vs.

Baldwin Pole Piling Co  
Dues a copy

Received 24 day of June 1905  
on 28 day of June 1905  
ved a copy of the within

Baldwin Pole Piling  
Piling  
vice on Mr. H. T. Casley

TAYLOR WILKINS, Sheriff  
By W. A. Talbot  
om

*[Faint signature]*

W. H. West Brattle

W. A. WEEKLEY

PLAINTIFF

VS

BALDWIN POLE AND PILING  
COMPANY, INC., a Corpora-  
tion

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6570

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Comes now the Defendant in the above styled cause and  
for answer says:

1. Not guilty.
2. The matters alleged in the complaint are untrue.
3. The Plaintiff ought not to have and recover of the  
Defendant for that he has negligently allowed cattle, swine and  
other animals and livestock to run in the stream, the subject  
of his suit, which have waded in, wallowed in and polluted the  
said stream, which negligence has contributed to his damage.

*W. A. Weekley*

*Filed*  
*6-14-66*  
*Alice J. Duck*  
*Clerk*

*The jurors find for the Plaintiff and  
set Dam-ge. at \$300.00*

*J. C. [unclear]*  
*Foreman*

*[Handwritten mark]*

W. A. WEEKLEY,

Plaintiff,

VS

BALDWIN POLE AND PILING  
COMPANY, INC., a Corpora-  
tion,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6570

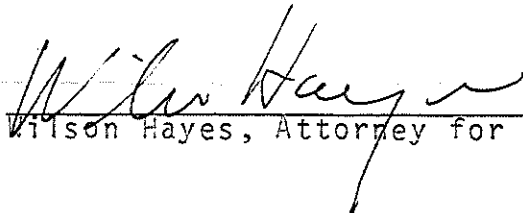
DEMURRER

Comes now Defendant and demurrs to Plaintiff's complaint and each count thereof, separately and severally and assigns the following separate and several grounds:

1. The complaint does not state a cause of action.

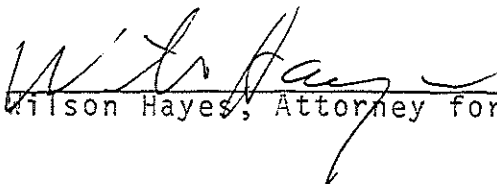
2. It affirmatively appears that the alleged negligence of Defendant is not the proximate cause of the alleged damage to Plaintiff's land.

It affirmatively appears from the complaint that Plaintiff's land is a subservient tenement to Defendant's premises.

  
Wilson Hayes, Attorney for Defendant

Defendant demands trial  
by jury.

This ~~22nd~~ day of July,  
1965.

  
Wilson Hayes, Attorney for Defendant

**FILED**

JUL 22 1965

ALICE L. DICK, CLERK  
REGISTER