

RAY E. LOPER LUMBER COMPANY, INC., a corporation,	)	IN THE CIRCUIT COURT OF
)	
Complainant	)	BALDWIN COUNTY, ALABAMA
)	
vs.	)	IN EQUITY
)	
UNITED CONSTRUCTION WORKERS, AFFILIATED WITH UNITED MINE WORKERS OF AMERICA, et als,)	
)	
Respondents)	

AMENDED BILL OF COMPLAINT

Now comes the complainant and amends the original bill of complaint as amended and heretofore filed in this cause, as follows:

1. By adding thereto immediately after section numbered 11, the following:

12. Complainant further avers that by reason of the unlawful conspiracy of respondents as herein set forth and as a proximate result of respondents' wrongful and unlawful acts as herein set forth, it has suffered great loss and damage by reason of interruption in and reduction of its production of its manufactured products, the loss of profits and large sums of money expended as necessary expenses in protecting itself from further losses and in defense of respondents' unlawful acts, said losses and damages being in large sums approximating, to wit, one hundred thousand dollars. Complainant further avers that if the unlawful acts of the respondents herein are allowed to continue, it will continue to suffer greater and other losses and damages, for which it has no adequate and complete remedy at law, and that substantial injury has resulted to complainant by reason of such unlawful acts and would have resulted and will continue to result to complainant from delay unless the Court had granted and will continue to enforce immediate protection by the issuance without notice of an immediate temporary injunction or restraining order. Complainant avers that it will be necessary for it to have and it invokes the aid and facilities of a court of equity by way of discovery and accounting for adequate determination of loss and damage suffered by complainant as a proximate result of respondents' wrongful and unlawful acts.

2. By adding thereto in the prayer thereof, immediately after Paragraph N,
the following:

O. Complainant further prays that upon final hearing the Court will grant a permanent injunction in accordance with the foregoing prayer. Complainant further prays that on a final hearing the amount of damage and loss suffered by complainant as a proximate result of respondents' unlawful acts be ascertained by the Court; that complainant be given the aid of discovery powers of equity to determine the amount of such loss and damage and that judgment be rendered in favor of complainant and against respondents for such loss and damage as is ascertained complainant has suffered as a proximate result of respondents' unlawful acts.

J. B. Blackburn

~~PENNERS, BURR, STOKELY & McKAMY~~

By Herbert Juss-
Solicitors for Complainant

Filed 7-18-49
 Relford J. Marshburn
 Judge

The image shows a single page of handwritten text, which is extremely dense and difficult to read. The handwriting is cursive and appears to be from a historical document. The text is organized into several paragraphs, with some lines indented. There are some words that are more legible, such as "I have", "I am", "I will", "I can", "I do", "I shall", "I must", "I may", "I might", "I could", "I would", "I should", "I ought", "I have to", "I have not", "I have been", "I have not been", "I have done", "I have not done", "I have been doing", "I have not been doing", "I have been doing it", "I have not been doing it", "I have been doing it for", "I have not been doing it for", "I have been doing it since", "I have not been doing it since", "I have been doing it from", "I have not been doing it from", "I have been doing it to", "I have not been doing it to", "I have been doing it with", "I have not been doing it with", "I have been doing it by", "I have not been doing it by", "I have been doing it in", "I have not been doing it in", "I have been doing it on", "I have not been doing it on", "I have been doing it at", "I have not been doing it at", "I have been doing it for", "I have not been doing it for", "I have been doing it since", "I have not been doing it since", "I have been doing it from", "I have not been doing it from", "I have been doing it to", "I have not been doing it to", "I have been doing it with", "I have not been doing it with", "I have been doing it by", "I have not been doing it by", "I have been doing it in", "I have not been doing it in", "I have been doing it on", "I have not been doing it on", "I have been doing it at", "I have not been doing it at".

[illegible]

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SERIES

[illegible]

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Figure 1 illustrates the steps of the proposed algorithm for finding a minimum spanning tree. The process starts with a graph with 10 nodes and 15 edges. The algorithm proceeds by selecting edges in a sequence that avoids creating cycles or multiple edges between the same pair of nodes. The selected edges are: (1,2), (2,3), (3,4), (4,5), (5,6), (6,7), (7,8), (8,9), (9,10), (1,10), and finally (1,9). The final minimum spanning tree is shown in (l).

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY

RAY E. IOPER LUMBER COMPANY, INC.,
a corporation,
Complainant

vs.

UNITED CONSTRUCTION WORKERS,
AFFILIATED WITH UNITED MINE WORKERS
OF AMERICA, et als,
Respondents

AMENDED BILL OF COMPLAINT

Filed: 7-18-49 -

J. B. Blackburn
Judge.

J. B. BLACKBURN
and
BENNERS, BURR, STOKELY & McKAMY
Solicitors for Complainant

the following:

1. Defendant's Bill of Complaint, captioned "Ray E. Ioper Lumber Company, Inc. vs. United Construction Workers, Affiliated with United Mine Workers of America, et als," was filed in the Circuit Court of Baldwin County, Alabama, on July 1, 1949. The Bill of Complaint alleges that the Respondents have conspired to injure the Complainant by refusing to handle its lumber and by other unlawful acts. The Complainant denies the allegations and alleges that the Respondents have conspired to injure it by other unlawful acts. The Complainant prays for an injunction to restrain the Respondents from such conduct and for other relief. The Complainant prays for costs and attorney's fees.

YALOW & KENNER, CHAS. KENNER

Defendants for Respondents

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

VS.

Complainant,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2277.

UNITED CONSTRUCTION WORKERS, AFFIL-
IATED WITH UNITED MINE WORKERS OF
AMERICA, ET ALS,

Respondents.

AFFIDAVIT OF E. R. NANCE

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared E. R. Nance, who, after being by me first duly and legally sworn, deposes and says:

My name is E. R. Nance. I am 40 years of age, a resident of Baldwin County, Alabama and am employed by the Ray E. Loper Lumber Company. I was also employed by the Ray E. Loper Lumber Company on April 27, 1949. On the early morning of that date and sometime around six o'clock, I stopped at Corbett's store, which is about a quarter of a mile North of the office of the Ray E. Loper Lumber Company in Bay Minette, Alabama. While I was at Corbett's store Mr. J. F. Barnes, the Manager of the Ray E. Loper Lumber Company in Bay Minette, Alabama, passed me going towards the mill with a car load of men. After Mr. Barnes passed I started my automobile and drove towards the mill, at which time Claude Baugh was with me. When we got within a short distance of the main entrance to the mill, I saw a large group of men, both white and colored, congregated in the middle of the road West of the mill site and at or near the main entrance thereto. This group consisted in my opinion of approximately 100 men.

When the automobile that Mr. Barnes was driving approached the group of men, I was within about 200 yards of the car, but drove on up to within approximately six to ten feet of the back of Mr. Barnes' automobile. Mr. Barnes' automobile was stopped by the group of men who filled the entire road. When he drove his car up to the group, they stopped it by pushing against it and I saw a

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group of the men open the door on the left side of the car, which is the side where the driver was sitting, and attempt to pull Mr. Barnes out. The group did not succeed in getting Mr. Barnes out of the car and after several minutes delay he drove slowly through the crowd and over to the mill. There was a lot of talk but I could not hear exactly what was said, but the group was angry and by force attempted to prevent Mr. Barnes and the men who were in the automobile with him from going into the mill.

Before I could move my automobile, the crowd congregated around it and one of the men, namely, D. C. Carlisle, attempted to open the door on my side of the car. I told him that if he put his hand inside the car I would knock it off and he then began to call for the group to turn the car over. The crowd began to push on the automobile and tried to turn it over, but I drove slowly ahead, got through the crowd and went into the mill. When the crowd stopped me one of them reached in on the other side of the car and tore the buttons off of Claude Baugh's shirt.

I saw in the group some men whom I afterwards learned to be organizers for the union, one of whom was named McColeman. The crowd was, for the most part, composed of men who did not work for the company and I don't believe that there were over half a dozen employees of Ray E. Loper Lumber Company there or who had been employees in the past.

ER Vance

Sworn to and subscribed before me on
this the 11th day of July, 1949.

Mary Lou Blackburn

Notary Public,

Filed: July 18, 1949
Alice J. Duck, Reg.

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS,
AFFILIATED WITH UNITED MINE
WORKERS OF AMERICA, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2277.

FILED

JUL 18 1949

ALICE J. DUCK, Register

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, a Notary Public in and for said County in said State, E. C. Williams, W. E. Styron, and Ray E. Loper, who, being first duly sworn say: That on the morning of April 26 at approximately 6:30 A.M. a number of employees of the Ray E. Loper Lumber Company, Inc., at its plant in Bay Minette, Alabama, were coming to work on a truck, and that a large mass of men congregated in or about a public highway which passes by or close to said plant so as to force the driver of said truck to veer to the side of the road and onto company property in order to avoid striking or coming into contact with this large mass of pickets numbering fifty or more. These men who were attempting to block the public highway signaled to the truck driver to stop the truck and attempted to prevent him from entering the premises of Ray E. Loper Lumber Company, Inc. When he did not stop, but attempted to go around them and enter the plant, one of the group, a colored man by the name of Ed Ezell, grabbed or snatched or knocked the mirror from the side of the truck. This incident occurred with a show of force for the purpose of preventing employees of Ray E. Loper Lumber Company, Inc., coming to their work at their usual and normal time and in their regular manner by using the public highway.

E. C. Williams

W. E. Styron

Ray E. Loper

Subscribed and sworn to before me on
this the 26th day of April, 1949.

Mary Lou Blackburn
Notary Public, Baldwin County, Alabama.

Filed: July 18, 1949

Alice J. Dusk, Register

AFFIDAVIT OF E. C. WILLIAMS, W.
E. STYRON, AND RAY E. LOPER

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS,
AFFILIATED WITH UNITED MINE
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Respondents.

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BALDWIN COUNTY, ALABAMA.
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ALICE J. DUCK, Register

being the public highway.

at their usual and normal time and in their regular manner by
employees of Ray E. Loper Lumber Company, Inc., coming to their work
occurred with a view of force for the purpose of preventing em-
ployees from the side of the truck. This incident
a colored man by the name of Ed Bell, stepped or attempted to
assemble to go along with and enter the plant, one of the hands
of Ray E. Loper Lumber Company, Inc. When he did not stop, but
the truck and attempted to prevent him from entering the premises
to block the public highway alleged to the truck driver to stop
blocks numbering fifty or more. These men who were attempting
to avoid striking or coming into contact with this large mass of
to near to the side of the road and onto company property in order
to or close to said plant so as to force the driver of said truck
mass of men congregated in or about a public highway which passes
between Alabama, were coming to work on a truck and that a large
of the Ray E. Loper Lumber Company, Inc., at the plant in Ray
line of about 50 or 60 employees at 9:30 A.M. a number of employees
Ray E. Loper, who, being first duly sworn say: That on the morn-
ing said company in said county, E. C. Williams, W. E. Styron, and
personally appeared before me, a Notary Public in and

BALDWIN COUNTY,

STATE OF ALABAMA

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

VS.

Complainant,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

UNITED CONSTRUCTION WORKERS, AFFIL-
IATED WITH UNITED MINE WORKERS OF
AMERICA, ET ALS,

IN EQUITY. NO. 2277.

Respondents.

AFFIDAVIT OF BRYANT MOORE

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared Bryant Moore, who, after being by me first duly and legally sworn, deposes and says:

My name is Bryant Moore. I was employed by the Ray E. Loper Lumber Company in Bay Minette, Alabama on April 27, 1949. Early on that morning I had stopped at Corbett's store, which is North of the company's main plant in Bay Minette, Alabama, with a group of other employees of the company. While we were at this place a gentleman I later learned to be Mr. M. L. Taliaferro of Birmingham, Alabama, drove Mr. J. F. Barnes' Chevrolet automobile up to the store and picked up a group of workers, including myself, Mr. W. C. Bryant, J. G. Evans and one other party, whose name I do not recall. When we got down to the place just North of where the road to the company's main office turns off of the street, which is situated West of the mill property, a large group of men consisting of approximately 75 people were congregated in the road and entirely blocked it. The driver of the car in which we were riding put the car in low gear and slowly moved forward but was stopped by the group of men who pushed against the car. The rear wheels on the car were spinning and the car would not move forward because of the large group of men who were pushing against it. Some of these men in the crowd were white and some were negroes. I have been employed by the Loper Lumber Company for some time and in the entire group of men who stopped our car I did not see a single person who was

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employed by the mill or who had been employed by it, except one negro whose name I do not recall. He tried to open the door on the car and told Mr. Taliaferro that he could start and go through the crowd but we would have to get out. We did not get out and finally the car got through the crowd and put us out at the office.

I could not hear everything that was said but I do know that the group of men was angry and that they, by force and by threats of violence, were attempting to prevent me and other employees of the company from going to and from our work.

Bryant W. W. W.

Sworn to and subscribed before me on
this the 11th day of July, 1949.

Mary Lou Blackburn

Notary Public

Filed: July 18, 1949

Alice J. Duck

Register

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AFFIDAVIT OF BRYANT MOORE

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

Complainant,

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UNITED CONSTRUCTION WORKERS,
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ALICE J. DUCK, Register

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS, AFFIL-
IATED WITH UNITED MINE WORKERS OF
AMERICA, ET ALs,

Respondents.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 2277.

AFFIDAVIT OF ALFRED BROWN

STATE OF ALABAMA

ESCAMBIA COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared Alfred Brown, who, after being by me first duly and legally sworn, deposes and says:

My name is Alfred Brown. I live in Atmore in Escambia County, Alabama. I am Chief of Police of the City of Atmore, Alabama, and have been such officer for about fifteen years.

During the week which commenced on April 17, 1949, I was notified that someone was interfering with or molesting a group of Negroes who live in Atmore, Alabama, and who are employed by the Ray E. Loper Lumber Company in Bay Minette, Alabama. Because of this report, I talked with Henry Williams and another Negro, both of whom live in Atmore, Alabama, and are employed by the Ray E. Loper Lumber Company in Bay Minette, Alabama. Both of these Negroes drive from Atmore to Bay Minette in the morning and from Bay Minette to Atmore in the afternoon. These two men told me that they were afraid to go to work because of the threats of the Union men. Because these two men and other Negroes who live in Atmore, Alabama, and who are employed by the Ray E. Loper Lumber Company in Bay Minette, Alabama, were afraid to go to Bay Minette to work, I followed and escorted them to the County line between Escambia County and Baldwin County for about ten days.

Alfred W Brown

Sworn to and subscribed before me on
this the 14th day of July, 1949.

Bertha M Lunch
Notary Public, Escambia County, Alabama.

Filed: July 18, 1949
Alice J. Duck
Register

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS,
AFFILIATED WITH UNITED MINE
WORKERS OF AMERICA, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2277.

FILED

JUL 18 1949

WILL L. BACK, Register

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

Complainant,

VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQ UITY. NO. 2277.

UNITED CONSTRUCTION WORKERS, AFFIL-
IATED WITH UNITED MINE WORKERS OF
AMERICA, ET ALS,

Respondents.

AFFIDAVIT OF RAY E. LOPER

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, within and for
said County in said State, personally appeared Ray E. Loper, who,
after being by me first duly and legally sworn, deposes and says:

My name is Ray E. Loper. I am 45 years of age, a
resident of Fayette, Alabama and am President of Ray E. Loper Lum-
ber Company, Inc., an Alabama Corporation.

Ray E. Loper Lumber Company is a corporation organ-
ized and existing under the laws of the State of Alabama.

At the time this suit was filed, the Complainant,
Ray E. Loper Lumber Company, a Corporation, was operating a sawmill
and planer mill in the City of Bay Minette, Alabama and was also
operating in the said city a pole plant where poles are peeled and
rounded preparatory to being creosoted and used in various kinds of
construction work. At the time this suit was file the Complainant
company had logs on its mill site at Bay Minette, Alabama and cut
down in the woods ready for transportation to its mill site at
Bay Minette, Alabama, which logs were worth not less than twenty-
five Thousand Dollars (\$25,000.00). When this suit was filed, a
number of these logs had been cut for such period of time that it
was absolutely essential that they be immediately cut into lumber
to prevent their ruin and destruction.

When this suit was filed the Complainant company also
had on its pole yard in Bay Minette, Alabama a number of logs that
had been cut down and peeled, ready to be rounded and later processed
into pilings and poles. When this suit was filed a number of these

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logs had been cut for such period of time that it was essential that they be immediately manufactured to prevent their destruction. In addition to the logs that were on the Complainant's pole yard when this suit was filed, it had cut down in the woods and there was then ready for transportation to the said pole plant a number of logs which were to be used for the same purpose. The value of the logs on the pole yard and cut down in the woods, which were ready for transportation to the said pole yard when this suit was filed, was not less than Fifty Thousand Dollars (\$50,000.00).

Prior to the time that the Complainant corporation was formed, I did business in my individual capacity, which individual business was, at the time of the formation of the Complainant corporation, transferred to it. During the time that I did business in my individual capacity, prior to the formation of the Complainant corporation and since the formation of the said Complainant corporation, it has done an extensive lumber business and an extensive piling and pole business in Bay Minette, Alabama and at other points and places within the State of Alabama, also outside of the State of Alabama in various other states. The Complainant corporation, after a number of years of successful business operation, has built up a number of customers who look to it to supply their needs in lumber, piling and poles and as a result of long, continued, satisfied business dealings with various customers and other parties, the Complainant has built up a reputation in the lumber industry and in the piling and pole industry, which constitutes what is known as "good will" and which is a most valuable asset of the Complainant corporation. This good will would have been damaged or destroyed if the Respondents named in this suit had been successful in closing the Complainant's Bay Minette, Alabama plants, thereby preventing Complainant from supplying the needs of its various customers.

I was notified on Monday, April 25, 1949, that a group of men, the large majority of which were not employees of the Complainant corporation, were picketing our plants in Bay Min-

ette, Alabama. I came to Bay Minette, Alabama as soon as I received this information and got to Bay Minette in the late afternoon of the said date.

I was at the mill site and at the pole plant early Tuesday morning, April 26, 1949 and at that time a large body of men were congregated in the road or street, which is West of our sawmill site, and at or near the main entrance to our mill. This body of men on this date consisted of approximately 100 to 125 men, some of which were white and some of which were colored. This group was at that time endeavoring to prevent our employees from going into the plant, but the only actual violence that occurred on that date is described in the affidavit that I have heretofore made for use in this case and I will, therefore, not repeat in this affidavit the facts which were outlined in the former affidavit.

The crowd of men which was congregated at the plant on Tuesday, April 26, 1949, gradually reduced in size, but during the entire day of April 26th quite a large number of men were around the main entrance to our sawmill and also at the main entrance of our pole plant. These men carried banners reading, in substance, as follows: "Unfair to Organized Labor".

On the early morning of April 27, 1949 at approximately 5:30 A. M., Mr. J. F. Barnes and I started to our main sawmill plant in Mr. Barnes' automobile. We picked up a couple of our employees near Corbett's store and proceeded with them to our sawmill plant. When we got to the entrance to the plant a group of men, consisting of approximately twenty men, were congregated in the road near the entrance to our plant and they attempted to prevent our going into the plant. They conducted themselves in an angry manner and one of the man, who I later learned to be Brady Powell, had a piece of 2 x 4 scantling in his hand and as we drove slowly through the crowd, he hit or bumped the side of Mr. Barnes' automobile with this stick. They got in front of the car, slapped it with their hands and we could only get through the crowd by proceeding slowly in low gear. We put the two men who were our em-

ployees, and who were riding with us, out at our office and then drove to the Rex Grill, which is situated on Hoyle Avenue in Bay Minette, Alabama, to get some breakfast and to pick up Mr. M. L. Taliaferro, an attorney of Birmingham, Alabama, and Mr. J. B. Blackburn, an attorney of Bay Minette, Alabama, who were representing us at that time. After eating breakfast, Mr. Blackburn, Mr. Taliaferro, Mr. Barnes and I started to leave the Rex Grill and when we did we picked up one of our employees, a Mr. Moseley, in front of the Grill or cafe. We then drove toward the mill in Mr. Barnes' automobile. This automobile was a two-door Chevrolet. Mr. Barnes was driving the car. I was sitting on the front seat with Mr. Barnes; Mr. Blackburn was sitting on the rear seat directly behind Mr. Barnes; Mr. Taliaferro was sitting on the middle of the rear seat and Mr. Moseley was sitting on the right side of the rear seat. After we crossed the main line of the Louisville and Nashville Railroad, we picked up one of our negro employees, whose name is Ed Trawick, and he got on the front seat by me, that is, on my right side. We then drove to our sawmill site in Bay Minette. As we were driving along the street which runs in a Southerly direction from the Brady Road to and behind our mill, and just before we reached the main entrance to our mill, a large body of men, some of which were white and some of which were colored, and which consisted in my opinion of approximately 60 to 70 men, were congregated in the road in front of us and entirely blocked the road. They had several signs, one of which was in front of the group, reading "Unfair to Organized Labor". As we approached the crowd of men, they attempted to stop our automobile. Mr. Barnes put it in low gear and moved slowly forward toward the crowd. Before we got to the crowd, I fastened the door on the right-hand side of the car and ran the glass up on that side. The glass was down on the left side where Mr. Barnes was sitting and that door was unlocked. As we drove up to the crowd, they immediately seized the automobile, began pushing against it, picking up the side of it and several of the group, who were standing on the ground on the left side of the car,

opened the door in some way and the men who were on the ground, one of whom I later learned to be Brady Powell, grabbed hold of Mr. Barnes, started beating him and tried to pull him out of the door. This struggle continued for several brief moments, during which Mr. Barnes' wrist watch was torn off, his hat was knocked off, his shirt was dirtied up by the actions of those who were attacking him and for a while it appeared that they would be successful in getting him out of the automobile. Just at this time Mr. Barnes told me that there was a gun in the glove pocket or compartment of the automobile. I handed the gun to Mr. Barnes. He grabbed it with his right hand, but in so doing he placed his hand against it in a way whereby the hammer could not strike the plunger of the gun. He held the gun in this position and did not present it at those who were attacking him or attempt to use it in any way. A moment later Mr. Blackburn, who was sitting on the back seat of the car, pushed against the seat between Mr. Barnes and the men who were attacking him, told Mr. Barnes to put up the gun, which he did. Mr. Blackburn did not give the gun to Mr. Barnes and did not touch or handle it in any way. About the same time Mr. J. L. Barrow and Mr. Pete Sellers, police officers of the City of Bay Minette, Alabama, got up to the car and pulled Brady Powell off of Mr. Barnes. Mr. Barrow also told the negroes at that time, in substance, not to turn the automobile over and after some considerable effort, Mr. Barnes got the automobile through the crowd and up to our office. The crowd during the entire time was conducting itself in an angry manner and by the use of force or violence, as described in this affidavit, were seeking to prevent officers and employees of the Complainant corporation from getting to and from their work and the place where they worked.

Shortly after Mr. Barnes' automobile got into the mill site, Mr. M. L. Taliaferro took the automobile and drove it along the street in a Northerly direction from the office toward Bay Minette. He returned a few minutes later driving the automobile with several of our employees in the car. When he approached the entrance to our plant the same group of men blocked the road and

stopped the car that Mr. Taliaferro was driving. I could not hear what was said, as I was back at the office approximately 100 feet away at the time, but the group held up the car for several minutes and finally, after considerable persuasion by the Sheriff of Baldwin County, Alabama, who was present and among the crowd at that time, permitted the automobile to go through. It looked for a moment like the group who was in the road would turn the automobile over, as I could see the top of the body raise up on several occasions. Immediately after the automobile that Mr. Taliaferro was driving got through the crowd, another automobile in which two of our employees were riding drove into the crowd and the same group stopped this automobile temporarily and in the operation they tore the buttons off of the shirt of one of the men who were riding in the car.

The group remained in the road at or near the main entrance to our plant for some time and conducted itself in an angry and boisterous manner.

While the group was congregated in the road, another automobile, which was carrying some of our employees and which was driven by Mr. C. E. Windham, drove up to the group and, for the purpose of averting further trouble, we directed Mr. Windham to turn his automobile around and carry these employees into the plant by another route, which he did. We also got a number of other employees into the plant that morning by causing them to use another means of entrance to the plant, as the group of men mentioned above had blocked the main entrance to our plant.

On Wednesday afternoon, April 27, 1949, this suit was filed with the Register of the Circuit Court of Baldwin County, Alabama, in Equity, and the Judge of the said Court issued an injunction restraining the various Respondents, who are named in this suit, from committing further acts of violence and from interfering with or molesting our employees in the manner that is described in the Writ of Injunction that was issued in this cause.

Since the injunction was issued some of the Respondents named in this suit continued to picket our main plant, our pole plant and places on the Louisville and Nashville Railroad near our two plants. The reason for picketing the railroad which adjoins our plants and which moves our products was because the Respondents wanted to prevent the railroad from moving cars loaded with our products. On the morning of April 27, 1949 the cars were not moved from our pole plant that had been loaded on the previous day and while I do not know whether this was caused by the picketing or not, the cars were delayed for some time and because of this picketing it was necessary for us to repeatedly insist that the railroad move the cars.

Since the injunction has been issued in this case there has been no further violence, but because of the things that happened prior to the time that the injunction was issued, I am sure that someone would have been killed or severely injured if the injunction in this case had not been issued. I am of the further opinion that additional violence will result if the injunction is dissolved.

In the large body of men that was present near the entrance of our main plant on Tuesday, April 26, 1949, and Wednesday, April 27, 1949, I only recognized three or four men who were then employees of our company or who had been previously employed by it. I later learned that the great majority of the group on each date set out above was composed of white and colored employees of the Newport plant in Bay Minette, Alabama, which, according to further information that I have received, has a union which is affiliated with the United Mine Workers of America.

On the morning of April 26, 1949 I recognized two men in the group, which was in the road at the entrance of our plant, who I later learned to be organizers for the union. These men were moving among the crowd of men who were blocking the road and appeared to be directing the group. On Wednesday morning, April 27,

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1949, I recognized three of these men, whom I later learned to be C. W. McColeman, Joseph K. Koeval and W. G. Parker. These men on that day were constantly moving among the crowd and were definitely directing the crowd's actions.

On Tuesday, April 26, 1949, in the early morning and while the large body of men was congregated in the road near the main entrance to our plant, a blue bus with several negroes in it drove up to the group and stopped. I thought that the driver of the truck was afraid to drive through the crowd and I went out and told him that if he was afraid to drive the truck through the crowd to get out and I would drive it. Several of the men present stated that the truck would not go on through and I asked the driver of the truck again to get out and I would drive it through and started to get up in the bus or truck and one of the union organizers jumped on the bus in front of me and prevented my getting on the bus. A number of other men got on the bus to keep me out of it and during this time the driver of the bus backed the bus back to the side of the street and all of the men got out and joined the mob. Just before the men got out of the bus one of the union organizers came around to where I was standing and stated that they were attempting to handle this strike without violence, but that if any further acts similar to the one where I offered to drive the bus through - that if it took getting rough that they could, too, and that they could not be responsible for what might happen. As I started to walk away from the bus, one of the men who, I understand, works for the Newport plant, made a statement that he would take me on personally. I then walked away from the crowd and went back to the mill company's office without making any reply to this remark or to the remark of the union organizer.

Sworn to and subscribed before me on
this _____ day of _____, 1949.

Mary Lou Blackburn
Notary Public,

Mary Lou Blackburn
Filed: July 18, 1949
Alice J. Dool
Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2277.

ALICE J. DUCK, Register

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RAY E. LOPER LUMBER CO., INC.)

Complainant,)

-vs-

UNITED CONSTRUCTION WORKERS)

Affiliated with UNITED MINE)

WORKERS OF AMERICA, ET AL.,)

Respondents.)

IN THE CIRCUIT COURT OF THE

28TH JUDICIAL CIRCUIT OF

ALABAMA

NO. 2277

AFFADAVIT

STATE OF ALABAMA

COUNTY OF

Mobile

Before me, the undersigned authority in and for said county and said state, personally appeared Brady Powell, made known to me, who being by me first duly sworn, deposes and says:

My name is Brady Powell. I live at Bay Minette, Alabama. I am employed by the Newport Industries Co. at Bay Minette, Alabama and have been employed there for approximately 11 years.

On the morning of April 27, 1949 about 6 A. M. I was on a public street of Bay Minette, Alabama about 100 to 125 feet from the main entrance to the plant of the Complainant,

together with other employees of the complainant who were on strike. There were also present, as I recall, the Chief of Police of Bay Minette and either the Sheriff or a Deputy Sheriff. A car approached driving fast and slowed down and shifted gears. The Chief of Police said we had better flag the car. We flagged them and the car stopped and then the driver of the car started forward in low gear and at that time other employees of the Company were directly in the path of the car and unless the car was brought to a halt or they were able to jump out of the way of the car they would be run over. Whereupon those in front of the car and others on the sides of the car took hold of the same and held it. While they were holding the car a man on the back seat handed a pistol, which seemed to me to be a 38 Smith & Wesson or a 32-20, ^{to the driver of the car.} In my best judgment the person who handed the pistol over to the driver was lawyer Blackburn of Bay Minette. As the pistol was taken by the driver of the car I jerked open the door and grabbed the man with the pistol around the neck so that he could not shoot me or any of my fellow employees. The Chief of Police stepped in and shut the door and my mother grabbed me and pulled me back. The man with the pistol, who in my judgment was Mr. J.F. Barnes, Superintendent of the complainant, put the pistol against the back of the Chief of Police in a threatening manner and appeared to be on the point of shooting him. For some reason he did not kill the Chief of Police and the Chief said to let them drive on and they drove on in.

I did not have a pistol and I did not see any other employee on that occasion with a pistol or gun.

The bill of complaint has been read to me and the facts stated therein charging me with any wrongful, improper or unlawful conduct are not true. On that occasion and on all other occasions during the time the employees of the complainant have been on strike my conduct has been law abiding and peaceful.

I did not see any other employee engaged in any unlawful acts.

Signed to and subscribed before me, this 15th day of July, 1949.

Brady Powell

Gladys Scheenmann
my com expires Oct 6-7-49.

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RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

VS.

Complainant,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

UNITED CONSTRUCTION WORKERS, AFFIL-
IATED WITH UNITED MINE WORKERS OF
AMERICA, ET ALS,

IN EQUITY. NO. 2277.

Respondents.

AFFIDAVIT OF J. G. EVANS

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, within and for
said County in said State, personally appeared J. G. Evans, who,
after being by me first duly and legally sworn, deposes and says:

My name is J. G. Evans. I am 57 years of age. I am
a resident of Bay Minette, Alabama, where I have lived for more
than a year. During the time that I have lived in Bay Minette I
have been engaged by the Ray E. Loper Lumber Company as a logging
contractor. In connection with my work I go to the office of the
company in Bay Minette at least once each day.

I know when the group of men commenced picketing the
plants of the Ray E. Loper Lumber Company in Bay Minette, Alabama
on April 25, 1949. On that date a body of white and colored men,
consisting of approximately 25 or 30 men, congregated in the road
or street at the main entrance of the company's plant and attempted
to prevent people, particularly employees, from going into the
company's plant.

I was also at the company's plant on Tuesday, April
26, 1949. At that time the group of men congregated near the main
entrance of the plant consisted of approximately 75 04 80 men and
was composed of white and colored men.

I was back at the company's plant on the early morn-
ing of April 27, 1949. On that date Mr. J. F. Parnes' Chevrolet
automobile came from the direction of the company's office to Mr.
H. B. Corbett's store, which is situated about a quarter of a mile
North of the company's office. The automobile was driven by a gentle-

man that I did not know at the time, but whom I later learned to be Mr. Mark L. Taliaferro, an attorney of Birmingham, Alabama. Mr. Taliaferro picked up several employees of the company and me and we went back to the company's office. Just as we reached the main entrance to the company's plant, the body of men that was congregated in the road, which, at that time, consisted of approximately 150 to 175 people, angrily and by the use of force or violence stopped the automobile. The force or violence used consisted of pushing on or against the automobile and by attempting to pick it up and turn it over. Mr. Taliaferro moved the car forward slowly and finally got through the crowd and went to the company's office. When they stopped the automobile in which I was riding, the group asked Mr. Taliaferro, in substance, who he was and what business he had at the plant and with the company. He told them, in substance, that he was an attorney and the group replied, in substance, that if he would put out the passengers riding in the automobile with him he could go into the plant, but that the passengers were working for the company and they would not be permitted to go in. After we got into the plant or on the property of the company, I saw them stop another car. This car was carrying two employees of the company.

I know when the injunction was issued in this case and immediately after the injunction was issued, all of the violence described above ceased. There has been no violence since the injunction was issued. From what happened at the company's plant on Monday, April 25, Tuesday, April 26, and particularly on Wednesday, April 27, 1949, I know that one or more persons would have been severely injured or possibly killed. If the same actions on the part of the group that was attempting to picket the plant had continued. I would not feel that it was safe for me to continue to do my work in and about the plant if things were in the same condition that they were before this injunction was issued. The issuance of the injunction definitely stopped the violence and, in my opinion, if the injunction were dissolved, further violence would result.

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The pickets at the main entrance of the company's plant ceased working and carrying their banners some five or six weeks ago and since that time they have been sitting on the West side of the road or loitering around on the West side of the road opposite the company's main entrance where they have erected a tent for their protection.

I also make frequent trips to the pole plant of the company which is situated at a different location in Bay Minette, Alabama, approximately one-half mile from the main plant. The pickets at the entrance of the pole plant also ceased walking about five or six weeks ago and they usually sit in the shade of a tree near the entrance and have their signs reading "Unfair to Organized Labor" sticking up in the side of the road or leaning against a fence that is situated there.

J. M. Evans

Sworn to and subscribed before me on
this the 12th day of July,
1949.

Filed: July 18, 1949
Alice J. Duck, Reg.

J. B. Blackman
Notary Public

V. Corporation,
RAY E. THOMAS COMPANY, INC.,

Company

AS

WORKING ON PROPERTY, IN THE
VILLAGE OF ALBANY, NEW YORK,
HOLDING COMPANY, NEW YORK.

Company

IN THE CIRCUIT COURT OF

IN THE CIRCUIT COURT OF

IN THE CIRCUIT COURT OF

IN THE CIRCUIT COURT OF

FILED

JUL 19 1949

ALICE J. DUCK, REG.

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS,
AFFILIATED WITH UNITED MINE
WORKERS OF AMERICA, ET ALS,

Respondents,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2277.

FILED

JUL 18 1949

ALICE J. DUCK, Register.

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MOORE STATE
J. B. Moore

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

VS.

UNITED CONSTRUCTION WORKERS, AF-
FILIATED WITH UNITED MINE WORKERS
OF AMERICA, ET ALS,

Complainant,

Respondents.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

AMENDED BILL OF COMPLAINT

Now comes the Complainant and amends the original Bill of Complaint heretofore filed in this cause by adding to the first paragraph thereof and to Paragraph Numbered One of the said original Bill of Complaint, and by making parties to this cause the following additional Respondents: C. W. McColeman; W. G. Parker; Jos. K. Koeval; Ollie James; Brady Powell; Clovis Williams; Eddie Ezell; George Thompson; Doyal Baggette; Herman Overstreet; B. G. Graham; Fred Bush; Jimmie Peacock; Troy Graham; Jesse James; R. C. Bogen; Man White; Gene Hall; Nealy Peacock; Luzelle Grissette; Leddele Grissitt ; Brooks Schram;

Each of the individual Respondents above named and each of the individual Respondents named in the said original Bill of Complaint are over twenty-one years of age. The majority of the said individual Respondents named above and in the said original Bill of Complaint are residents of Baldwin County, Alabama, but the places of residence of C. W. McColeman, W. G. Parker, Jos. K. Koeval and John J. Barnes are unknown to the Complainant and the respective places of address of the said Respondents cannot be ascertained by the Complainant after the exercise of reasonable diligence to ascertain the facts with regard thereto.

J. B. Blachman

BENNETT, BURR, STOKELY AND McKAMY,

By M. L. Toliferno

Solicitors for Complainant.

Filed: April 27-49
Alice J. Duck,
Register

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RAY E. LOPER LUMBER CO., INC.,)
Complainant,) IN THE CIRCUIT COURT OF THE
-vs-) 28TH JUDICIAL CIRCUIT OF
UNITED CONSTRUCTION WORKERS ET AL.) ALABAMA
Respondents.)

TO: MRS. ALICE J. DUCK, REGISTER, CIRCUIT COURT, 28TH JUDICIAL
CIRCUIT, BAY MINETTE, ALABAMA:

Please enter my appearance as counsel for the
respondents in the above styled cause, and also enter the
appearance of Mr. William E. Mitch as counsel for the respond-
ents.

My address is 1018-19 First National Building,
Birmingham, Alabama. Mr. William E. Mitch's address is
Massey Building, Birmingham, Alabama.

Filed: 5-12-49
Alice J. Duck
Register

Chambers Harris

198.

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS, AFFIL-
IATED WITH UNITED MINE WORKERS OF
AMERICA, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2277.

AFFIDAVIT OF ESTEL C. JOHNSON

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared Estel C. Johnson, who, after being by me first duly and legally sworn, deposes and says:

My name is Estel C. Johnson. I am 42 years of age and a resident of Bay Minette, Alabama, where I have resided since the month of October, 1948. During the time that I have been in Bay Minette and since October, 1948, I have been engaged as a logging contractor by the Ray E. Loper Lumber Company.

In connection with my work it is necessary for me to make trips to and from the main plant of the Ray E. Loper Lumber Company and to its office, which is situated on the same property. On Monday morning, April 25, 1949, a body of men, consisting of approximately 25 or 30, were massed in the street or road West of the Ray E. Loper Lumber Company's mill and office and near the principal entrance to the plant. On Tuesday morning, April 26, 1949, a larger group, consisting of approximately 60 or 75 men, were congregated in the road West of the company's office and at or near the principal entrance to the plant. On Wednesday morning, April 27, 1949, I also went to the office of the Ray E. Loper Lumber Company. On this date the body of men, which was congregated in the road and at or near the principal entrance to the company's plant, consisted of approximately 100 or 125 men.

On each of the dates mentioned above, the group consisted of both white and colored people and on each of the dates

they had signs reading "Unfair to Organized Labor".

I did not see any actual violence on Monday, April 25, 1949, or Tuesday, April 26, 1949.

On Wednesday, April 27, 1949, Mr. J. F. Barnes' Chevrolet automobile was driven up to Mr. H. B. Corbett's store by a gentleman whom I later learned to be Mr. Mark L. Taliaferro, an attorney of Birmingham, Alabama. Corbett's store is situated approximately a quarter of a mile North of the company's office. Mr. Taliaferro picked up several men who were employees of the company, put them in the automobile that he was driving and drove back in a Southerly direction toward the company's office. When he reached the body of men that was congregated in the road or street, they stopped his automobile by pushing against it. He put the car in one of the low gears, gradually moved forward and got through the crowd. I could not hear what was said by the group, but I do know that they were in an angry mood and by a definite show of force they attempted to stop the automobile and prevent the employees, who were riding in the automobile, from going to their place of work in the company's plant.

After the automobile that was driven by Mr. Taliaferro went into the plant, another automobile which was driven by an employee of the company, in which was riding a passenger who was another employee of the company, drove down the street in a Southerly direction toward the entrance to the plant. The group that was in the road stopped this automobile and struggled with the driver of it.

Later at the same time and place, a Dodge truck driven by a negro from Atmore, Alabama, whose name I do not know, but whom I know to be the owner and regular driver of this truck and who is employed in the company's plant at Bay Minette, Alabama, was stopped temporarily by the same group of men. This truck was also loaded with several other employees of the Lumber Company.

During the time that I have been a logging contractor for the Ray E. Loper Lumber Company, I have had occasion to become acquainted with its employees. On each of the three days and at

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the times mentioned above, there were only a very few of the Ray E. Loper Lumber Company's employees in the crowd that was blocking the road at the entrance to the plant, not more than six on any occasion.

The group, in addition to these few employees of the Ray E. Loper Lumber Company, was composed of men that I later learned to be employees of the Newport plant in Bay Minette, Alabama.

On the morning of April 27, 1949, when the three vehicles referred to above were stopped by the group of men who were blockading the road, there were three men in the group that I later learned to be labor organizers. I do not know the names of these three men, but they were people who do not live in Bay Minette, Alabama. These three organizers were leading or instructing the larger group of men in what to do on Wednesday, April 27, 1949 and on Monday, April 25, 1949, and Tuesday, April 26, 1949, one or more of the said labor organizers was present at all times, apparently in charge of directing the group.

At the times mentioned above the group at the entrance to the company's plant appeared to be angry and boisterous. I know when the injunction was issued in this case and since the injunction was issued the large body of men has not congregated in the road at the entrance to the plant, nor have the pickets who have been there engaged in any violence of any kind, so far as I have observed, and I am in and out of the plant every day. After the injunction was issued, the pickets walked around the entrance of the plant and carried their banners, but for the past five or six weeks the pickets have discontinued walking and have been sitting under a tree West of the highway or road where they have erected a tent. This tent has been situated at the location West of the road and on or near the property of a lady who lives there, for six weeks or more.

Sworn to and subscribed before me on this
the 12th day of July, 1949.

J. D. Blackburn
Notary Public

Filed: July 18, 1949
Alice J. Duck
Register

AFFIDAVIT OF ESTEL C. JOHNSON

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

Complainant,

vs.

UNITED CONSTRUCTION WORKERS,
AFFILIATED WITH UNITED MINE
WORKERS OF AMERICA, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2277.

FILED

JUL 18 1949

ALICE J. DUCK, Register

the times mentioned above, there were only a very few of the Ray E. Loper Lumber Company's employees in the crowd that was flocking to the entrance to the plant, and I do not know of any other persons who were in the crowd at that time.

On the morning of April 21, 1949, when the three Alabama Loper Lumber Company's employees at the entrance to the plant were arrested, I was not present at the time.

On the morning of April 21, 1949, when the three Alabama Loper Lumber Company's employees at the entrance to the plant were arrested, I was not present at the time. I do not know the names of these persons, but they were people who do not live in Baldwin County. I do not know the names of these persons, but they were people who do not live in Baldwin County. I do not know the names of these persons, but they were people who do not live in Baldwin County.

At the time mentioned above the group at the entrance to the plant was composed of Ray E. Loper Lumber Company's employees, and I do not know the names of these persons, but they were people who do not live in Baldwin County. I do not know the names of these persons, but they were people who do not live in Baldwin County.

On the morning of April 21, 1949, when the three Alabama Loper Lumber Company's employees at the entrance to the plant were arrested, I was not present at the time. I do not know the names of these persons, but they were people who do not live in Baldwin County. I do not know the names of these persons, but they were people who do not live in Baldwin County.

RAY E. LOPER LUMBER COMPANY, INC.,
A Corporation,

Complainant,

VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

UNITED CONSTRUCTION WORKERS, AFFIL-
IATED WITH UNITED MINE WORKERS OF
AMERICA, ET ALS,

IN EQUITY. NO. 2277.

Respondents.

AFFIDAVIT OF ED LEE TRAWICK

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for
said County in said State, personally appeared Ed Lee Trawick, who,
after being by me first duly and legally sworn, deposes and says:

My name is Ed Lee Trawick, I am 38 years of age and
I reside in Atmore, Alabama. I am now and have, for some time past,
been employed by the Ray E. Loper Lumber Company in Bay Minette,
Alabama.

On the morning of April 27, 1949 I had gone to Bay
Minette on the bus to go to work. I got off the bus at the Bus
Station, which is situated North of the main line of the Louisville
and Nashville Railroad in Bay Minette, Alabama, and was walking to
work. Shortly after I crossed the railroad an automobile that was
driven by Mr. J. F. Barnes stopped and picked me up. We started to
the plant and, as I stated above, Mr. Barnes was driving the car.
Mr. Loper was sitting on the front seat with Mr. Barnes. When I got
in the car I sat on the front seat on the right side and Mr. Loper
was in the middle. On the back seat of the automobile were three
men. I knew one of these men to be Mr. Billie Moseley. He was sit-
ting on the back seat on the right side directly behind me. A gentle-
man that I did not know at that time but whom I have since learned
to be Mr. M. L. Taliaferro, of Birmingham, Alabama, was sitting on
on the back seat in the middle and another gentleman, whom I later
learned to be Mr. J. B. Blackburn, of Bay Minette, Alabama, was sit-
ting on the left side of the rear seat directly behind Mr. Barnes.

When we got to the company's plant there was a large

group of men, both white and colored, stopped in the road. This group of men reached entirely across the road and consisted, in my opinion, of seventy-five (75) or more people. When we drove up to the group Mr. Barnes was driving the car slowly forward and when we got to the crowd the group of men got all around the automobile and stopped it by pushing against it and attempted to turn it over. Mr. Loper had closed the door next to me from the inside and they were unable to get this door open. The door on Mr. Barnes' side of the car had not been locked and when the car got into the middle of the group, the door on Mr. Barnes' side was opened from the outside and several of the men attacked Mr. Barnes and attempted to pull him out of the automobile. Mr. Barnes' wrist watch was torn off, his hat was knocked off, his shirt was blackened and for a while it appeared that the group on the ground would be successful in pulling Mr. Barnes out of the automobile. While Mr. Barnes was being attacked I saw Mr. Loper open the glove compartment of the automobile, take a gun out of the pocket and hand it to Mr. Barnes. Mr. Barnes took the gun in his hands but did not in any way attempt to use it or shoot anybody. Mr. Blackburn, who was on the back seat behind Mr. Barnes, did not give Mr. Barnes the gun and did not handle the gun in any way. Mr. Blackburn did reach across the seat between Mr. Barnes and the men who were beating him and tell Mr. Barnes to put up the gun, which he did immediately. The gun was not taken from the pocket of the car until after the men in the street had jumped on Mr. Barnes and tried to pull him out of the car.

After this attack on Mr. Barnes, the car we were in eased through the crowd and I got out and went on into the plant. I came back in a little while and saw this same car driven by Mr. Taliaferro, and having a number of employees of the company in it, try to go through the crowd who congregated in front and around the car and it seemed to me that they tried to turn it over. I was not close enough to hear what was said or see what was done, but I do know that they were pushing the car as if they were trying to push it back or turn it over and were gathered all around it. This was a

part of the same crowd that had stopped us and jumped on Mr. Barnes and for the most part they were people who did not work for the company. I saw among the crowd some men whom I afterward learned to be out of town people who were over here trying to organize the men into the union.

My regular way of getting to and from my work from where I live in Atmore, Alabama is to come in a truck driven by Henry Williams, but on account of things that I had seen happen I had decided that it would be safer for me to ride the bus and this is the reason that I rode the bus on this day. Among other things that had happened to me was that the truck on which we rode had been followed by a car in which one of these organizers and others rode. This car was a two-tone Oldsmobile car with a Florida license tag. Another was a Chevrolet car with a Mobile tag. These two cars for several days had been following the truck going to and from work. On one of these occasions they stopped our truck and would not let us go on. They kept us there for some time and insisted on us joining the union and came into the truck and kept talking to us and said, among other things, that if we did not "jine the union it would not pay us to come back to work." One of these cars also drove around in front of my house and slowed up. On account of these and other things, these people being white and me being colored, I was afraid, so instead of riding this truck, I came to Bay Minette on a regular Greyhound bus.

I have not been bothered in any way or manner since the injunction was issued in this case.

Ed Lee Tinsley

Sworn to and subscribed before me on
this the 11th day of July, 1949.

Mary Lou Blackburn

Notary Public

Filed: July 18, 1949

Alice J. Bush
Register

AFFIDAVIT OF ED LEE TRAWICK

RAY E. LOPER LUMBER COMPANY, INC.
A Corporation,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS,
AFFILIATED WITH UNITED MINE
WORKERS OF AMERICA, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2277.

FILED

JUL 18 1949

ALICE J. DUCK, Register

I have not been bothered in any way or manner since my minute or a regular telephone bus. colored, I was afraid, so instead of riding this truck, I came to of these and other things, these people being white and me being also drove around in front of my house and slowed up. On account union it would not pay me to come back to work. One of these cars to me and said, 'among other things, that if we did not join the on us joining the union and come into the truck and kept talking not let us go on. They kept us there for some time and insisted work. On one of these occasions my car stopped on the truck and would for several days had been following the truck going to and from the. Another was a Chevrolet car with a license tag. These two cars rode. This car was a two-door Oldsmobile car with a license license been followed by a car in which one of these organizers and others that had happened to me when that the truck on which we rode had is the reason that I rode the bus on this day. Among other things had decided that it would be safer for me to ride the bus and ride Henry Williams, but on account of things that I had seen happen I where I live in Atlanta, someone is to come in a truck driven by my regular way of getting to and from my work from into the union.

One of the town people who were over here trying to organize the men away. I saw among the crowd some men whom I afterwards learned to and for the most part they were people who did not work for the com bers of the same crowd who had stopped us and jumped on us. I learned

RAY E. LOPEL LUMBER CO., INC.,)	
Complainant,	)	IN THE CIRCUIT COURT OF THE
-vs-	)	28TH JUDICIAL CIRCUIT OF
UNITED CONSTRUCTION WORKERS,	)	ALABAMA
affiliated with UNITED MINE)	
WORKERS OF AMERICA, et al,	)	No. 2 2 7 7
Respondents.	)	IN EQUITY

ALTERNATIVE MOTION TO REQUIRE ANSWER
TO INTERROGATORIES BY THE COMPLAINANT
OR TO CONTINUE THE CAUSE.

TO THE HONORABLE CIRCUIT COURT OF THE 28TH JUDICIAL CIRCUIT OF
ALABAMA, HONORABLE TELFAIR H. MASBURN AS JUDGE, IN EQUITY SITTING:

Now come the following respondents, namely, United Construc-
tion Workers affiliated with United Mine Workers of America, an
unincorporated association of individuals functioning as a labor
union; United Mine Workers of America, an unincorporated associa-
tion of individuals functioning as a labor union; and Local No.
12149, District 50, United Mine Workers of America, an unincorporated
association of individuals functioning as a labor union, and each
for itself, separately and severally does respectfully show
unto this Honorable Court the following facts:

1. Heretofore, during the month of October, 1949, these
respondents propounded interrogatories to the complainant which
were filed in this court during October and served on counsel
for complainant within said month.

*and all of this by
agreement of counsel as to time*
2. The complainant failed to make answer to the following
interrogatories, separately and severally: Interrogatories Nos.
38, 41, 42, 43, 44, 48, 49(a), 50(a), 51(a) and 52(a).

3. The complainant failed to answer completely and did
make evasive answers to the following interrogatories, separately
and severally: Interrogatories Nos. 1, 6(b), 25, 26, and 36.
answers to

All of said/interrogatories were served on respondents on
Friday, July 28th, 1950.

WHEREFORE THE PREMISES CONSIDERED, counsel for respondents move this Court for an order requiring complainant to make answer to said interrogatories separately and severally which he did not answer and to make full and complete answers to those interrogatories above specified to which he did not make complete answer but made evasive answers, and that such answers be filed in this Court on or before August ^{10th} ~~7th~~, 1950 and that upon failure of the complainant so to file said answers as required by this Court that this Court enter a general continuance of the hearing set down by agreement for August 15, 1950.

Grantley Harris
William E. Mitchell
 Solicitors for Respondents

TO THE HONORABLE BORDEN BURR and HONORABLE J. B. BLACKBURN,
 ATTORNEYS OF RECORD FOR COMPLAINANT:

Take notice that the foregoing motion will this day be filed in the Circuit Court of the 28th Judicial Circuit of Alabama and will be set down for hearing before the Honorable Telfair H. Mashburn, Circuit Judge, at 10:00 o'clock A. M. on Friday, August 4th, 1950 in the Courthouse at Bay Minette, Alabama, or as soon thereafter as counsel may be heard. Done this 31st day of July, 1950.

Grantley Harris
 Solicitor for Respondents.

STATE OF ALABAMA)

JEFFERSON COUNTY)

I hereby certify that I have served a copy of the foregoing motion on Honorable Borden Burr and Honorable J. B. Blackburn, counsel for complainant, both on July 31st, 1950.

Grantley Harris
 Solicitor for Respondents.

Service of the foregoing motion is hereby accepted and all further notice and service is hereby waived

led Jul. 31-50
 ice J. Duck
 Register

July 31st 1950 -2- *J. B. Blackburn*

RAY E. LOPER LUMBER CO., INC.,)

Complainant,)

UNITED CONSTRUCTION WORKERS)

Affiliated with UNITED MINE)

WORKERS OF AMERICA, ET AL.,)

Respondents.)

181
IN THE CIRCUIT COURT OF THE

28TH JUDICIAL CIRCUIT OF

ALABAMA

NO. 2277

AFFIDAVIT

STATE OF ALABAMA

COUNTY OF Baldwin

Before me, the undersigned authority in and for said County and said state, personally appeared C. W. McColeman, made known to me, who being by me first duly sworn, deposes and says:

My name is C. W. McColeman, I live at Pensacola, Florida. I am Representative of District 50, United Mine Workers of America. On the morning of April 27, 1949 about 6 A. M. I was on a public street of Bay Minette, Alabama, about 100 to 125 feet from the main entrance to the plant of the complainant. There were also present, as I recall, the Chief of Police of Bay Minette and either the Sherriff or a Deputy Sheriff. A car approached driving fast and slowed down and shifted gears. The car stopped and then the driver of the car started forward in low gear and at that time employees of the Company were directly in the path of the car and unless the car was brought to a halt or they were able to jump out of the way of the car they would be run over. Whereupon those in front of the car and others on the sides of the car took hold of the same and held it. I saw the pistol in the hand of the driver of the car. The Chief of Police stepped in and pushed Brady Powell back and shut the door. The man with pistol, who in my judgment was Mr. J. F. Barnes, Superintendent of the complainant, put the pistol against the back of the Chief of Police in a threatening manner and appeared to be on the point of shooting him. For some reason he did not kill the Chief of Police and the Chief said to let them drive on and they drove on in.

182

I did not have a pistol and I did not see any employee on that occasion with a pistol or gun.

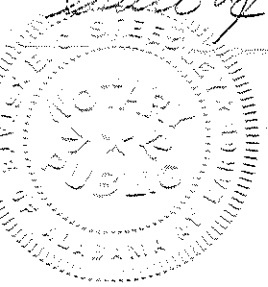
The bill of complaint has been read to me and the facts stated therein charging me with any wrongful, improper or unlawful conduct are not true. On that occasion and on all other occasions during the time the employees of the complainant have been on strike my conduct has been law abiding and peaceful. I did not see any other employee engaged in any unlawful acts.

There was no blocking of the road or street by the use of a pole. A truck turned into the plant with such speed that a 4 x 4 fell off of the truck into the street. Before this 4 x 4 had quit rolling Mr. J. F. Barnes, Superintendent of the plant ran over it, in his car. That is the only pole and the only thing that looked like a pole that I saw on that occasion.

Sworn to and subscribed before
me, this 16 day of July, 1949.

W. M. Coleman

*W. M. Coleman, Notary Public
State of Alabama at Large*



SALES OFFICE: TUSCALOOSA, ALA.
H. W. HAMILTON, SALES MANAGER
TELEPHONES - DAY 2246 AND 7151
NIGHT 5703

RAY E. LOPER, PRESIDENT

301
CERTIFIED BY CENTURIES WOOD NATURE RENEWS IT
USE IT

Ray E. Loper Lumber Co.

INCORPORATED
MANUFACTURERS

No. 361

SOUTHERN YELLOW PINE - HARDWOODS - CREOSOTED PRODUCTS

BAY MINETTE, ALABAMA

Acknowledgement No. 2310

Our Order No. 186

INVOICE

Date May 10, 1949

Customer's Order No. Mr. Curjel

Sold To: Government Street Lumber
Mobile, Ala.

Shipped To: Government Street Lumber Company
Mobile, Ala.

Car No.:

Route: Your Truck

Terms: 2% - 10 days Mill

Shipped From: Bay Minette, Ala.

1,879'	1x6	#2 Droppings S4S 24/4 78/6 165/8 170/10 3/12 1/14 4/16	@\$60.00	\$112.74
988'	1x6	#2 KD Pa.F. #105 D/S Bald. 4 pcs. 4/4 7/6 10/8 18/10 11/12 2/14 1/16	@\$65.00	64.22
2,700'	2x6	#2 S4S 150/18	@\$70.00	189.00
5,567'				\$365.96

FILED
JUL 18 1949
U.S. DEPT. OF AGRICULTURE
WASHINGTON, D.C.

SALES OFFICE: TUSCALOOSA, ALA.
H. W. HAMILTON, SALES MANAGER
TELEPHONES - DAY 2246 AND 7151
NIGHT 5703

RAY E. LOPER, PRESIDENT

CERTIFIED BY CENTURIES WOOD NATURE RENEWS IT USE IT

C O P Y

Ray E. Loper Lumber Co.

No. 374

INCORPORATED
MANUFACTURERS

SOUTHERN YELLOW PINE - HARDWOODS - CREOSOTED PRODUCTS

BAY MINETTE, ALABAMA

Acknowledgement No. _____

Order No. 186&203

INVOICE

Date May 20, 1949

Customer's Order No. Letter

Sold To: Government Street Lumber Company
Mobile, Alabama

Shipped To: Government Street Lumber Company

Car No.: _____ Route: Your Truck

Terms: 2% 10 days

Shipped From: Bay Minette, Ala.

708' 1x6 D 105 DS KD 40/8 24/10 32/12 24/14 4/16 4/18	@\$80.00	\$ 56.64
2,070' 1x10 C S4S KD 2/6 7/8 25/10 53/12 38/14 59/16 3/18	@170.00	351.90
248' 1x12 C S4S KD 9/8 8/10 4/12 3/16	185.00	45.88
2,028' 2x12 #2 S4S 9/10 33/12 9/14 6/16 17/18	65.00	<u>131.82</u>
,054		586.24

SALES OFFICE: TUSCALOOSA, ALA.
H. W. HAMILTON, SALES MANAGER
TELEPHONES - DAY 2246 AND 7151
NIGHT 5703

RAY E. LOPER, PRESIDENT

CERTIFIED BY CENTURIES WOOD NATURE RENEWS IT USE IT

COPY

Ray E. Loper Lumber Co.

No. 460

INCORPORATED
MANUFACTURERS

SOUTHERN YELLOW PINE - HARDWOODS - CREOSOTED PRODUCTS

BAY MINETTE, ALABAMA

Acknowledgement No. _____

Order No. _____

INVOICE

Date July 15, 1949

Customer's Order No. _____ Phone _____

Sold To: South Mississippi Lumber Corp.
Bay Springs, Miss.

Shipped To: South Mississippi Lumber Corp.
Louisville, Kentucky

Car No.: OWR&N 188890

Route: L&N

Terms: 2%-10 days

Mill

Shipped From: Bay Minette, Ala.

20,540' 1x6 #2 S2S CM YP KD 4pc. Bdles. 36/4 42/6 64/8 126/10

184/12 145/14 138/16 92/18

@\$54.50

\$1,119.43

302
SALES OFFICE: TUSCALOOSA, ALA.
H. W. HAMILTON, SALES MANAGER
TELEPHONES - DAY 2246 AND 7151
NIGHT 5703

RAY E. LOPER, PRESIDENT

CERTIFIED BY CENTURIES WOOD NATURE RENEWS IT USE IT

C O P Y

Ray E. Loper Lumber Co.
INCORPORATED
MANUFACTURERS

No. 372

SOUTHERN YELLOW PINE - HARDWOODS - CREOSOTED PRODUCTS
BAY MINETTE, ALABAMA

Acknowledgement No. 2312

OUR Order No. 187

INVOICE

Date May 20, 1949

Customer's Order No. 173

old To: United Lumber Industries
34 & Broadway
Kansas City, Mo.

Shipped To: Crane Lumber Co.
Savannah, Mo.

ar No.: T&P 40337

Route: I&N GMR&O Kansas City CGW

terms: 2% - 10 Days Mill

Shipped From: Bay Minette, Ala.

2,512'	1x6 #1 Par.	106 D. S. K. D. Bldd. 4 pcs.	44/8 168/10 76/12 48/14	
		88/16	@\$80.00	\$ 200.96
2,948'	1x4 #2 S4S KD	168/8 198/10 254/12 108/14	60/16	
			@\$50.00	147.40
2,622'	1x6 #2 S4S KD	49/6 71/8 130/10 146/12	55/14 35/16	
			@\$60.00	157.32
5,105'	1x6- #2 S2S&CM KD	112/3 208/10 324/12	142/14 84/16	
			@\$60.00	306.30
2,851'	1x4 #1 S2S&CM KD	48/8 198/10 188/12	144/14 120/16	
			@\$75.00	213.83
<u>10,799'</u>	<u>1x8 #2 S1S & SL KD</u>	<u>94/6 188/3 321/10</u>	<u>407/12 230/14 176/16</u>	
			@\$65.00	<u>701.93</u>
26,837'				\$1727.74

34

SALES OFFICE: TUSCALOOSA, ALA.
H. W. HAMILTON, SALES MANAGER
TELEPHONES - DAY 2246 AND 7151
NIGHT 5703

RAY E. LOPER, PRESIDENT

CERTIFIED BY CENTURIES WOOD NATURE RENews IT USE IT

C O P Y



No. 413

INCORPORATED
MANUFACTURERS

SOUTHERN YELLOW PINE - HARDWOODS - CREOSOTED PRODUCTS
BAY MINETTE, ALABAMA

Acknowledgement No. 2448

Our Order No. 218

INVOICE

Date 6-18-49

Customer's Order No. Phone

Old To: Wilhelm Lumber Company
8510 Eager Road
St. Louis, Missouri

Shipped To: Wilhelm Lumber Company
St. Louis, Mo.

Car No. L&N 14217

Route: L&N

Terms: 2% 10 Days Delivered

Shipped From: Bay Minette, Alabama

5,032' 1x 4" #2 Flg. KD	30/4 48/6 12/8 33/10 36/12 55/14 30/16	@\$60.00	\$301.92
1,784' 1 x 4" D Flg.	8/6 7/8 20/10 23/12 12/14 9/16	@\$90.00	160.56
5,088' 1 x 6" #2 CM KD Bdles	23/4 27/6 30/8 57/10 68/12 12/14 31/16	@\$68.00	345.98
3,652' 1 x 4" C&Btr. Flg. Bundles	24/8 94/10 17/12 19/14 11/16 8/6	@\$140.00	511.28
1,684' 1 x 4" S4S C&Btr. Bundles	21/10 19/12 22/14 6/16	@\$145.00	244.18
1,490' 1 x 6" C&Btr. D/S #116	102/10 63/12 38/14 42/16	@\$140.00	208.60
1,280' 1 x 8" C&Btr. S4S	120/16	@\$145.00	185.60
20,010'			\$1,958.12

SALES OFFICE: TUSCALOOSA, ALA.
H. W. HAMILTON, SALES MANAGER
TELEPHONES - DAY 2246 AND 7151
NIGHT 5703

RAY E. LOPER, PRESIDENT

CERTIFIED BY CENTURIES WOOD NATURE RENEWS IT
USE IT

C O P Y

Ray E. Loper Lumber Co.

INCORPORATED
MANUFACTURERS

No. 467

SOUTHERN YELLOW PINE - HARDWOODS - CREOSOTED PRODUCTS
BAY MINETTE, ALABAMA

Acknowledgement No. _____

Order No. _____

Customer's Order No. _____

Wallace F. Manson, Salesman

Sold To: Duncan Lumber Company
Lansing, Michigan

Shipped To: Duncan Lumber Company
Lansing, Michigan

Car No.: NYC 104371

Route: L&N NYC PM

Terms: 2%-10 Days Delvd.

Shipped From: Bay Minette, Alabama

24,938' 1x6 #2 S4S YP KD

3/4 40/6 314/8 890/10 1825/12 478/14
460/16 110/18 14/20

\$70.00

\$1,745.66

SALES OFFICE: TUSCALOOSA, ALA.
H. W. HAMILTON, SALES MANAGER
TELEPHONES - DAY 2246 AND 7151
NIGHT 5703

RAY E. LOPER, PRESIDENT

COPY

CERTIFIED BY CENTURIES **WOOD** NATURE RENEWS IT
USE IT

Ray E. Loper Lumber Co.

INCORPORATED

MANUFACTURERS

SOUTHERN YELLOW PINE - HARDWOODS - CREOSOTED PRODUCTS

BAY MINETTE, ALABAMA

No. 476

Acknowledgement No. _____

Order No. _____

Customer's Order No. Phone

INVOICE

Date July 27, 1949

Old To: South Mississippi Lumber Corporation
Bay Springs, Mississippi

Shipped To: South Mississippi Lumber Corp.
Louisville, Kentucky

Order No.: SLSF 146739

Route: L&N

Terms: 2% 10 Days Mill

Shipped From: Bay Minette, Alabama

21,948' 1x6 # 2 CM 4Pc. Blds. 2/4 19/6 49/8 146/10 440/12
124/14 124/16 @ \$ 55.00 \$ 1,207.14

306

SALES OFFICE: TUSCALOOSA, ALA.
H. W. HAMILTON, SALES MANAGER
TELEPHONES - DAY 2246 AND 7151
NIGHT 5703

RAY E. LOPER, PRESIDENT

CERTIFIED WOOD NATURE RENEWS IT
BY CENTURIES USE IT

C O P Y

Ray E. Loper Lumber Co.

No. 475

INCORPORATED
MANUFACTURERS

SOUTHERN YELLOW PINE - HARDWOODS - CREOSOTED PRODUCTS

BAY MINETTE, ALABAMA

Acknowledgement No. 2551Our 243 Order No.INVOICEDate July 26, 1949Customer's Order No. 1605

Sold To: Moore Lumber Company
First National Building
Birmingham, Alabama

Shipped To: Moore Lumber Company
Louisville, Kentucky

Car No.: SLSF 45936

Route:

Terms: 2 1/2-10 Days F.O.B. Mill

Shipped From: Bay Minette, Alabama

25,841' Lx8 #2 S₄S KD YP 37/4 55/6 169/8 470/10 925/12 492/14
472/16 344/18 25/20 @ \$60.00 \$1,550.46

SALES OFFICE: TUSCALOOSA, ALA.
H. W. HAMILTON, SALES MANAGER
TELEPHONES - DAY 2246 AND 7151
NIGHT 5703

RAY E. LOPER, PRESIDENT

CERTIFIED BY CENTURIES WOOD NATURE RENEWS IT USE IT

COPY



No. 466

INCORPORATED
MANUFACTURERS

SOUTHERN YELLOW PINE - HARDWOODS - CREOSOTED PRODUCTS

BAY MINETTE, ALABAMA

Acknowledgement No. 2537

Our Order No. 237

INVOICE

Date July 18, 1949

Customer's Order No. Phone

Sold To: Berry-Hill Lumber Co.
P.O. Box 1343
Nashville, Tenn.

Shipped To: Berry-Hill Lumber Company
Nashville, Tenn.

Car No.: SOU 24254

Route: L&N

Terms: 2/-10 Days Delivered

Shipped From: Bay Minette, Alabama

5,616' 1x4 #2 Flg. KD YP 6 pc. Bdles. 702/4	@ \$ 40.00	\$ 224.64
19,568' 1x4 #2 Flg. KD YP 6 pc. Bdles. 636/6 746/8	@ \$ 48.00	939.26
2,012' 1x4 #D Flg. KD YP 2/4 12/6 17/8 16/10 21/12 8/14 11/16 5/18	@ \$ 90.00	181.08
1,757 1x4 #D V-Joint KDYP 8/4 25/6 70/8 416/9 33/10 4/12 3/14 16/16 6/18	@ \$ 90.00	158.13
28,953'		<u>\$1,503.11</u>

SALES OFFICE: TUSCALOOSA, ALA.
H. W. HAMILTON, SALES MANAGER
TELEPHONES - DAY 2246 AND 7151
NIGHT 5703

RAY E. LOPER, PRESIDENT

CERTIFIED BY CENTURIES WOOD NATURE RENEWS IT
USE IT

C O P Y

Ray E. Loper Lumber Co.

INCORPORATED
MANUFACTURERS

No. 472

SOUTHERN YELLOW PINE - HARDWOODS - CREOSOTED PRODUCTS

BAY MINETTE, ALABAMA

Acknowledgement No. _____

Order No. _____

Customer's Order No. _____

INVOICE

Date July 23, 1949

Id To: South Mississippi Lumber Corp.
Bay Springs, Mississippi

Shipped To: South Mississippi Lumber Corp.
For Reconsignment
Louisville, Ky.

r No.: T&P 81134

Route: L&N

rms: 2% 10 days

Shipped From: Bay Minette, Alabama

2,176' 1x6 #2 S2S&CM KD YP 4 piece bundles 26/4 48/6 112/8 167/10
310/12 128/14 140/16 21/18 @\$55.00 \$1,219.68

Car Seals 458509-10

RAY E. LOPER LUMBER COMPANY, INC.,
A corporation,

Complainant,

vs

UNITED CONSTRUCTION WORKERS, AFFIL-
IATED WITH UNITED MINE WORKERS OF
AMERICA, ET ALS,

Respondents.

No. 2277.

In the Circuit Court of Baldwin
County, Alabama, in Equity.

AFFIDAVIT OF M. L. TALIAFERRO

On the early morning of April 27, 1949, I met Mr. J. F. Barnes, Mr. Ray E. Loper, and Mr. J. B. Blackburn at a restaurant in Bay Minette, Alabama. Mr. Loper related some difficulty which he had encountered earlier that morning with a group of men at the entrance to his Bay Minette lumber company plant. After eating breakfast the four of us got into a Chevrolet automobile driven by Mr. Barnes and proceeded to go to Ray E. Loper's Bay Minette lumber plant. En route we passed one white and one colored employe, and in view of the difficulty which Mr. Loper had related, I suggested that we pick them up and carry them with us. We did this and one of them got on the back seat and one on the front seat. As we approached the main entrance to the lumber plant, some sixty or seventy men were congregated in the road. They had signs reading, "Unfair to Organized Labor." A great number of badges were worn by these men showing that they were members of District 60, United Mine Workers of America. When we pulled up to the crowd, we came to a stop, or virtual stop, and proceeded on at a very slow pace. The men refused to move out of the road and one of them was bumped slightly, at which time a large, husky man who I was later informed was named Brady Powell, grabbed the left door open, put his arms around Mr. Barnes' neck, and undertook to drag him out of the car. I grabbed hold of his arm to pull his arm loose and about that time looked up and saw that Mr. Barnes had a gun in his hands and Mr. Blackburn and I both undertook to have him put the gun away. I then jerked one of Brady Powell's arms loose from Mr. Barnes' neck and about this time policemen Barrow and Sellers came up and took hold of Mr. Powell and pulled him back from the car and policeman Barrow inserted himself between Powell and Barnes. We then put the car in low gear and slowly proceeded through the crowd on to the mill site. During this time a great number of men beat on the car with their hands and slapped on the windows and windshields and made many threatening gestures.

Shortly thereafter the Sheriff, together with all his deputies, arrived at the scene and we were informed that there would be no more disorder. Feeling that this was not a fact and yet having no proof of the same, I borrowed Mr. Barnes' car and drove down the road about a block or two to a filling station where most of the employees of the Loper Lumber Company had congregated, since we had told them not to try to come through the crowd or cause any disturbance, but to wait there. When I went down I asked for volunteers who would be willing to sit in the car and go through the picket line with me but who would not participate in any violent action of any kind and if necessary would return to that point if I could not get through the picket line. After several volunteered, I selected some three or four to go with me and started back to the point where the group of men were congregated. They immediately massed in the road and I called to the Sheriff and asked him if he would open up the road so I could go through. He stood on the side of the road and said, "Go on through." Neither the Sheriff nor any of his deputies made any effort to clear the road. Two men who had been circulating through the crowd and who I was informed were labor organizers came to me and said that if I would put the men out of the car, they would let me through. I told them I would not be interested and then they made the statement that it was not any of my doing and not any of my business. I told them I would determine what my business was. I then put the car in low gear and fed a little gas to it trying to pull forward. As many men as could grabbed hold of the car and there were so many of them that they stalled the automobile. Several of them tried then to turn the car over, grabbed hold of the sides and tried to turn it over, but I let it roll backwards until I could get the motor started and kept it moving backward or forward so that they could not turn it over, although they made repeated efforts to do so. I then raced the motor and let the clutch out slowly and forced my way through this crowd.

On this trip the doors were locked and the windows were up. There was much slapping and banging on the car, many invitations to get out of the car and requests to unlock the doors. The windows were struck several times with such force that I felt they might break at any time. This time I determined to send all employees into the plant by back or side roads and across fields rather than coming in in the usual way. Some cars of employees had come up to the point where the

crowd was congregated and we turned them around and told them to use other entrances to the plant. I then went back to the filling station where a large group of employees was congregated and told them to come in by back or side roads and across fields.

That afternoon Mr. Blackburn and I prepared an injunction, which was served in the late afternoon, and a degree of order was restored by the next morning so that employees were able to enter the plant without violence.

I have been through numbers of picket lines involving numbers of strikes in the State of Alabama. This was as unruly a group of pickets as I have ever seen and made as many demonstrations of violence and as many threats. I am of the opinion that the injunction is absolutely essential to prevent violence and permit the Loper Lumber Company to continue its operations in Bay Minette.

Pickets were also found on the railroad right of way and the railroad cars were moved only after making a number of calls demanding that the railroad remove the same and supply new cars and calling their attention to the fact that pickets were no excuse for failure of service. I was familiar with this because we represent several railroads in the State and I have encountered the same trouble at other times in strikes that I have handled, as well as in representing the railroad.

W. L. Talley

Sworn to and subscribed
before me on this the 9th day
of July, 1949.

Walter W. May
Notary Public.

Filed: July 18, 1949
Alice J. Duck
Register

RAY E. LOPER LUMBER CO., INC.,)	
	:	
Complainant,	)	IN THE CIRCUIT COURT OF THE
	:	
-vs-	)	28TH JUDICIAL CIRCUIT OF ALABAMA
	:	
UNITED CONSTRUCTION WORKERS)	
affiliated with UNITED MINE	:	
WORKERS OF AMERICA, et als,	)	NO. 2 2 7 7
	:	
Respondents.)	

RESPONDENTS' MOTION TO STRIKE

Now comes each of the respondents in the above styled cause and moves the Court to strike as a whole all that portion of the amendment to the bill of complaint as amended beginning with Paragraph 2 thereof and ending with the words, "to which in equity and good conscience it may be entitled" at the end of Paragraph Q thereof, and for grounds of said motion assigns the following, separately and severally:

I.

1. Said pleading is unnecessarily prolix.
2. Said pleading is irrelevant.
3. Said pleading is frivolous.
4. Said pleading is unnecessarily repeated.

II.

Each respondent does further, separately and severally, move the Court to strike, separately and severally, each separate paragraph of the amendment to the bill of complaint as amended as follows, to-wit:

1. Paragraph 12 A.
2. Paragraph 12 B.
3. Paragraph 12 C.
4. Paragraph 12 C(1).
5. Paragraph 12 C(2).
6. Paragraph 12 C(3).
7. Paragraph 12 C(4).
8. Paragraph 12 D.
9. Paragraph 12 D(1).

10. Paragraph 12 D(2).
11. Paragraph 12 D(3).
12. Paragraph 12 D(4).
13. Paragraph 12 D(5).
14. Paragraph 12 D(5)(a).
15. Paragraph 12 D(5)(b).
16. Paragraph 12 E.
17. Paragraph 13.
18. Paragraph 13 A.
19. Paragraph 13 B.
20. Paragraph 13 C.
21. Paragraph 13 D.
22. Paragraph 13 E.
23. Paragraph 13 F.
24. Paragraph 13 G.

25. That part of paragraph numbered 3 in sub-paragraph P thereof reading as follows, "for such losses and damages as prayed for by complainant herein."

26. That part of paragraph numbered 3 in sub-paragraph P thereof reading as follows, "and as suffered by complainant as a proximate result of respondents' unlawful acts, including punitive damages and a reasonable attorneys' fee and the court costs hereof."

And for grounds of said motion assigns the following, separately and severally:

1. Said pleading is unnecessarily prolix.
2. Said pleading is irrelevant.
3. Said pleading is frivolous.
4. Said pleading is unnecessarily repeated.
5. Said paragraph claims a non-recoverable element of damages.
6. Said paragraph seeks to recover money paid to law enforcement officers for doing their duty.
7. Said paragraph seeks to recover money paid in violation of public policy.

8. Said paragraph seeks to recover speculative profits as an element of damage.

9. Said paragraph seeks to recover attorneys' fees without any principle of law or equity or statutory enactment entitling the complainant thereto.

10. Said paragraph seeks to recover punitive damages contrary to the principle of equity jurisdiction which limits the damages which may be recovered in equity to compensatory damages and does not permit the award of punitive or exemplary damages.

Crampton Harris
Crampton Harris

Hubert M. Hall
Hubert M. Hall

William E. Mitch
William E. Mitch.
Solicitors for Respondents.

TO: Messers. Borden Burr and J. B. Blackburn, Attorneys of Record for Complainant:

Take notice that the foregoing motion to strike has this day been filed in the above styled cause and the same will be taken up for hearing at a date to be fixed by the Honorable Telfair Mashburn as Judge of the Circuit Court of the 28th Judicial Circuit of Alabama, in equity sitting, of which hearing you will receive due notice.

This 12th day of October, 1949.

Crampton Harris
Crampton Harris

Hubert M. Hall
Hubert M. Hall

William E. Mitch
William E. Mitch
Solicitors for Respondents.

Service of the foregoing motion to strike is hereby accepted and all other and further service is hereby expressly waived, this 12th day of October, 1949.

J. T. Tinsley
Beggs, Burr, Skelley & McKay
by Samuel H Burr
 Attorney of Record for
 Complainant.

I hereby certify that I have served a copy of the foregoing motion to strike on Honorable Borden Burr, Solicitor for Complainant, this 12th day of October, 1949.

Franklin Harris
 Solicitor for Respondent

I hereby certify that I have served a copy of the foregoing motion to strike on Honorable J. B. Blackburn, Solicitor of record for Complainant, this _____ day of October, 1949.

Filed: 10-13-49
 Alice J. Bush
 Register

RAY E. LOPER LUMBER CO., INC.,

Complainant,

-vs-

UNITED CONSTRUCTION WORKERS
affiliated with UNITED MINE
WORKERS OF AMERICA, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF THE
28TH JUDICIAL CIRCUIT OF

ALABAMA

IN EQUITY

DEMURRER AND ANSWER

Now come the respondents hereinafter named, to-wit:

United Construction Workers affiliated with United Mine Workers of America, an unincorporated association of individuals functioning as a labor union; United Mine Workers of America, an unincorporated association of individuals, functioning as a labor union; John J. Barnes, as an individual and as an officer and member of the said unions; Local No. 12149, District 50, United Mine Workers of America, an unincorporated association of individuals, functioning as a labor union; Jim Thompson, as an individual and as an officer and member of the said Local No. 12149, District 50, United Mine Workers of America; Gerald W. Presnall, Martin Lucas, Laudie Langham, Early Higgins, Cliff Hall, ~~Elijah Ligon~~, W. C. Meadows, Alfred Hadley, Frank Brown, C. L. Boone, Tom Sylvester, William Atchinson, J. W. Cook, Jr., John L. Martin, Claud Watson, ~~James L. May~~, George Pierson, Willie McCall, Wiley Hudson, Paul Donald, Jr., Jesse James, Jim Steveson, ~~L. R. Bennett~~, Percy Thompson, Luzell Gressett, Leddele Gressett, Robert Singleton, ~~Noral Jenkins~~, Ed Miles, ~~Solomon Hunt~~, George Broughton, Ishman Green, ~~Jeff Marvin~~, ~~Willie Flowers~~, and Willie Barnes; and the following persons: Reuben Jackson, Willie McCall, ~~Dan McReynolds~~, ~~Brooks Seram~~, Burley Powell, M. Conway, D. C. Carlisle, Peachy Carlisle,

Laudy Langham, Ernest Overstreet, and ~~Dick Smith~~, *G. H. McElderman*, *W. B. Parker*, *Joe K. Koeval*, *Ollie James*, *Brady Powell*, *Claris Williams*, *Eddie Egall*, *George Thompson*, *Doyal Baggett*, *Herman Overstreet*, *B. E. Graham*, *Frank*, *Jimmie Peacock*, *Troy Graham*, *Joe James*, *R. L. Bogen*, *Man White*, *Gene Hall*, *Nealy Peacock*, *Luzell Gressett*, *Leddele Gressett*, *Brooks Seram*

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and each for itself and himself demurs to the bill of complaint as a whole as last amended and to each separate and several phase thereof, to-wit: (a) that phase of the bill of complaint as amended seeking a temporary injunction or restraining order, and (b) that phase of the bill of complaint as amended seeking an accounting.

For grounds of demurrer to the bill of complaint as amended as a whole the above named respondents assign the following, separately and severally:

1. There is no equity in the bill of complaint as amended as a whole.

For grounds of demurrer to that ~~phase~~ ^{aspect} of the bill of complaint as amended seeking a restraining order or temporary injunction the respondents above named assign the following, separately and severally:

1. The facts alleged are not sufficient to entitle the complainant to a temporary injunction or restraining order.
2. It affirmatively appears from the averments of said bill of complaint as amended that the complainant is seeking to enjoin these respondents and to restrain these respondents in the exercise of their constitutional right to work or to refrain from working.

3. It affirmatively appears from the averments of said bill of complaint as amended that the complainant is seeking to enjoin these respondents and to restrain these respondents in the exercise of their constitutional right to freedom of speech granted them by the first amendment of the Constitution of the United States of America.

4. It affirmatively appears from the averments of said bill of complaint as amended that the complainant is seeking to enjoin these respondents and to restrain these respondents in the exercise of their right to freedom of speech granted them by Section 4 of Article 1 of the Constitution of the State of Alabama of 1901.

5. It affirmatively appears from the averments of said bill of complaint as amended that the complainant is seeking to enjoin these respondents and to restrain these respondents in the exercise of their right peaceably to assemble given them by the first amendment to the Constitution of the United States of America.

6. It affirmatively appears from the averments of said bill of complaint as amended that the complainant is seeking to enjoin these respondents and to restrain these respondents in the exercise of their right to assemble in a peaceable manner given to these respondents under Section 25, Article I of the Constitution of Alabama of 1901.

7. Said bill of complaint as amended seeks to enjoin this respondent from the lawful use of a public highway of the State of Alabama.

8. Said bill of complaint as amended seeks to enjoin and restrain this respondent from the exercise of his lawful right to persuade or attempt to persuade other workmen to join a labor union.

9. The averments of said bill of complaint as amended are vague, indefinite and uncertain.

10. It affirmatively appears from the averments of the bill of complaint as amended that the respondent had a perfect legal right to attempt to persuade an employee of the complainant to affiliate with a labor union.

11. Said bill of complaint as amended does not allege sufficient facts to inform this respondent what it must defend against.

12. The averments of said bill of complaint as amended are averments of conclusions, merely.

13. The averments of said bill of complaint as amended are averments of conclusions, merely, and do not show in what respect or manner the respondents proposed to hinder

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or delay or prevent the complainant from carrying on its lawful business.

14. Said bill of complaint as amended seeks to enjoin and restrain the respondent in its lawful right to form a picket line at the entrance or entrances of the complainant's Bay Minette, Alabama plants.

For demurrer ^{to} ~~of~~ ^{aspect} the phase of the bill of complaint as amended which seeks an accounting, each respondent assigns the following grounds, separately and severally:

1. Said bill of complaint as amended does not allege facts sufficient to invoke the jurisdiction of a court in equity for an accounting.

2. Said bill of complaint as amended does not allege any complicated transactions between the complainant and this respondent requiring the intervention of a court in equity.

3. It affirmatively appears from the averments of said bill of complaint as amended that there are no mutual accounts between the parties.

4. It affirmatively appears from the averments of said bill of complaint as amended that there is no fiduciary relation existing between the complainant and this respondent.

5. It affirmatively appears from the averments of said bill of complaint as amended that all the information necessary to show what damage, if any, has been suffered by the complainant is entirely within the control and possession of the complainant.

6. No facts are alleged in said bill of complaint as amended to show that a discovery is necessary.

7. It affirmatively appears from the averments of said bill of complaint as amended that there is neither a fiduciary relation between the parties nor a complication of accounts nor the necessity of a discovery.

ANSWER

And now, without waiving any of the grounds of demurrer hereinabove assigned, each respondent hereinabove named does file, this his separate and several answer, to the bill of complaint as amended:

1. This respondent does not know whether or not the complainant is a corporation organized and existing under the laws of the State of Alabama as alleged in paragraph numbered 1 of the bill of complaint as amended and for that reason is not able either to deny or to admit such allegation and demands strict proof thereof. This respondent admits that United Construction Workers, affiliated with United Mine Workers of America, is an unincorporated association of individuals, functioning as a labor union; that United Mine Workers of America is an unincorporated association of individuals, functioning as a labor union; that John J. Barnes is Regional Director of Region 28 of the said United Construction Workers, affiliated with the United Mine Workers of America, and is an officer of said United Construction Workers, but this respondent denies that he is an officer of the United Mine Workers of America. This respondent admits that Local No. 12149, District 50, United Mine Workers of America, is an unincorporated association of individuals, functioning as a labor union. This respondent admits that Jim Thompson is an officer of said Local No. 12149, District 50, United Mine Workers of America, and that Gerald W. Presnall, Martin Lucas, and Laudie Langham are members of Local No. 12149, District 50, United Mine Workers of America. This respondent neither denies nor admits the allegation that the names of the other members of Local No. 12149, District 50, United Mine Workers of America, are unknown to the complainant.

2. This respondent admits the averment in paragraph 2 to the effect that the complainant was operating a saw mill and planer mill in the City of Bay Minette, Alabama, and was

operating in the said city a pole plant where poles are peeled and rounded, preparatory to being creosoted and used in various kinds of construction work. This respondent denies that complainant has logs on its mill site in Bay Minette, Alabama, and cut down in the woods, which are worth not less than Twenty Thousand Dollars (\$20,000.00), a large number of which have been cut for such period of time that it is absolutely essential that they be immediately cut into lumber to prevent their ruin and destruction.

This respondent denies that complainant has on its pole yard, and cut down in the woods for transportation to said pole yard, logs of the value of Fifty Thousand Dollars (\$50,000.00). This respondent admits that the complainant has some logs on its pole yard but denies that they have been cut for such period of time that it is essential that they be immediately processed to prevent their ruin and destruction.

3. This respondent neither admits nor denies the averments of paragraph 3 of the bill of complaint as amended but demands strict proof thereof.

4. This respondent admits that some members of respondent union did go from Bay Minette to Atmore, Alabama and attempt to get employees to sign cards and join a respondent union, but denies that the truck was detained for approximately an hour.

Answering the other paragraph without a number, which is a part of paragraph 4 of the bill of complaint as amended, this respondent neither admits nor denies that Gerald W. Presnall and Laudie Langham went to the homes of employees of complainant in the city of Atmore, Alabama in a further effort to have them sign cards and affiliate with the respondent union but demands strict proof thereof. However this respondent asserts that it is well within the constitutional right of one member of a union to attempt to persuade a non-member thereof and this respondent denies any imputation

in said paragraph that any action contrary to law was taken by this respondent.

5. This respondent denies the averments of paragraph 5 to the effect that officers of respondent, United Construction Workers and its organizers, entered into a combination conspiracy, agreement, arrangement or understanding for the purpose of hindering, delaying or preventing the complainant from carrying on its lawful business operations in Bay Minette, Baldwin County, Alabama.

6. This respondent admits that picket lines were formed at the entrance or entrances of the complainant's Bay Minette, Alabama plants but denies that no less than fifty (50) men congregated at the main entrance of complainant's Bay Minette, Alabama plant and did not keep moving, and denies that they congregated in large numbers in the road or street adjoining said plant and at or near the entrance thereof, thereby interfering with the complainant and its employees from engaging in their lawful vocation within the said county and said state.

7. This respondent denies that a large group of persons, as alleged in paragraph 7 of the bill of complaint as amended, attempted to block the highway by massing in front of officers, agents and servants of complainant when they undertook to use said highway coming to complainant's saw mill; and denies they used a large pole in attempting to stop an automobile ; and denies that they did open the door of one automobile and committed an assault and battery on the person of J. F. Barnes, complainant's General Manager, and asserts on the contrary that J. F. Barnes was handed a pistol by one of complainant's counsel, namely, Mr. Blackburn, who was riding in the automobile in which J. F. Barnes was riding, and the said J. F. Barnes was caught and prevented from committing homicide, all as a matter of self defense; and this respondent denies that a large group of persons turned back

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a number of complainant's employees by a show of force; and denies that they did, in large numbers, lay hands in anger on an automobile in which a few of complainant's employees were coming to work; and this respondent says that in order to prevent the automobile of the said J. F. Barnes from riding down men who were lawfully in the public street of the city of Bay Minette, Alabama, such men in self defense were forced to catch hold of said automobile and prevent its forward motion over them and were assisted in this act of self preservation by other men in close proximity ^{to} ~~of~~ said automobile but not directly in its path.

8. This respondent denies that any respondent entered into a conspiracy, agreement or understanding for the purpose of hindering, delaying or preventing complainant from carrying on its aforesaid lawful business, and denies that he or any other respondent entered into a conspiracy to use force, threats, intimidations or other unlawful means, including a show of force or strength to prevent complainant from engaging in its aforesaid lawful occupation; and denies that pursuant to and in furtherance of and in aid of any such conspiracy the acts and things charged in paragraphs 1 to 8, inclusive, of the bill of complaint as amended, took place, and this respondent further denies that the name of any person who comes to or around complainant's premises is called out and the men on the picket line or in the public highway are told not to have business dealings with or purchase anything from such person, but to boycott his business establishment; and further denies that any threats have been used to prevent local merchants or persons in business in the vicinity of Bay Minette, Alabama from doing business with the complainant and to cause such persons to boycott complainant.

9. This respondent denies all the averments of paragraph 9 which charge that the police officers of the city of Bay Minette, Alabama and the sheriff of Baldwin County and

his deputies with refusing or neglecting to keep the public highway open and to prevent acts alleged to have taken place in paragraphs 1 to 8 of said bill.

10. This respondent denies that there has been any unlawful assembling at complainant's plant in the manner described in the bill of complaint as amended, and denies that there has been any violation of Title 26, Section 385, of the Code of Alabama of 1940, which provides as follows:

"It shall be unlawful for any person acting in concert with one or more other persons, to assemble at or near any place of employment in this state and by force or violence or threat thereof prevent or attempt to prevent any person from engaging in any lawful vocation, or for any person acting either by himself, or as a member of any group or organization or acting in concert with one or more other persons, to promote, encourage or aid in any such unlawful assemblage."

were 11. This respondent denies that the acts of respondent as set forth in paragraphs 1 to 8, inclusive, of the bill of complaint as amended ~~are~~ ^{or were} unlawful and in violation of Title 26, Section 384 of the Code of Alabama, as alleged in paragraph 11 of said bill of complaint as amended, which code section provides as follows:

"It shall be unlawful for any person by the use of force or violence, or the threat of the use of force or violence, to prevent or to attempt to prevent any person from engaging in any lawful vocation within this state."

12. This respondent denies that there has been any unlawful conspiracy as set forth in the bill of complaint as amended and denies that there has been any wrong and unlawful acts as set forth in the bill of complaint as amended, and denies that the complainant has suffered great loss and damage as a proximate result of respondent's wrongful and unlawful acts by reason of interruption in and reduction of its production of its manufactured products; and denies that it has lost any profits as a result thereof; and denies that the complainant has expended any sums of money in defense of any unlawful acts of respondents; and denies that complainant has suffered losses and damages in any such great sum as

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One Hundred Thousand Dollars (\$100,000.00), or any other appreciable sum. This respondent further denies that any unlawful acts have been committed and asserts that therefore no unlawful acts can continue; and denies that the complainant will continue to suffer greater and other losses and damages, for which it has no adequate remedy at law and that substantial injury has resulted to complainant by reason of such unlawful acts alleged in the bill of complaint as amended; and denies that any will result in the future. This respondent further denies that there is any necessity for the complainant to have ~~an~~ invoked aid and assistance in the court of equity by way of a discovery and accounting, and says on the contrary that if the complainant has suffered any damages whatsoever the entire record thereof should be within the exclusive possession of the complainant.

And as to each and every paragraph of the bill of complaint as last amended this respondent denies that there is any equity therein.

MOTION TO DISSOLVE

WHEREFORE each and every respondent hereinabove named prays this Honorable Court, upon this answer, to dissolve said temporary injunction and restraining order.

dress
18-1019 First Nat'l Bldg
Birmingham Ala.

20 Macey Bldg

Birmingham Ala.

Christopher Harris
William E. Mitchell
Solicitors for Respondent

STATE OF ALABAMA)

Mobile COUNTY)

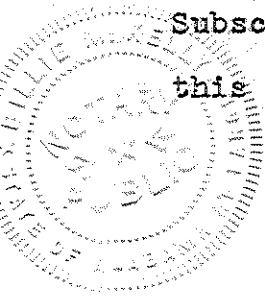
Before me, the undersigned authority in and for said county in said state personally appeared James R. Kaeval, known to me, who being by me first duly sworn, deposes and says that the matters of fact alleged in the foregoing answer are true and correct to his own

personal knowledge and that he makes this affidavit in his own behalf and in behalf of each and every respondent hereinabove named.

Joseph K. Treval

Subscribed and sworn to before me

this 25th day of May, 1949.



William M. Keary
NOTARY PUBLIC

Service of copy of the foregoing
denumer, Answer and motion accepted
and all other and further service waived
this 25th day of May 1949

Filed: 5-25-49

Alice J. Duck, Reg.

Refiled: 7-18-49

Telfair J. Washburn, Jr.
Judge

J. B. Washburn
Of Counsel for
Complainants