

STATE OF ALABAMA)
*
BALDWIN COUNTY)

BOOK 015 PAGE 178

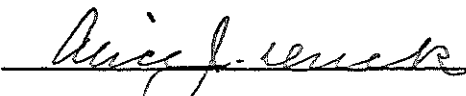
TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon-

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 L. REANO, as an individual and as an officer and member of the said unions: RICHARD FARRIS, an officer or employee and member of the said unions: A. J. SEARCY, an officer or employee and member of the said unions: MARK GANEY: HENRY LEE HAMMOND: CLINTON HAMMOND: N. H. ALLEN: DOUGALD HARVILL: HILARY HARVILL: HENRY STEPHENS: ARTHUR STEPHENS: BUFORD BROWN: LESLIE BROWN: LINDSEY WHATLEY: JESSE EMANUEL: ISHMEAL COOK: PRESTON FERRELL: ROOSEVELT JOHN-SON: THEODORE STEVENS: EUNICE STEVENS: CLEO EVANS: DOC JOHN-SON: WAYMAN WILLIAMS: CHARLIE HARVEY: LEO CLARK: BRADFORD PORTER: ED CULPEPPER: HARTFORD EDWARDS: S. T. EDWARDS: A. G. HILL: EVANS HENRY: J. W. HENRY: WILLIE HARVEY: COUNCIL JACK-SON: ROBERT ELLIS JAMES: LEE A. MYLES: DAVID STEVENS: WILLIE SANDERS: JAMES W. SMITH: HAMILTON WASHINGTON: JAMES WIL- LIAMS: BRADFORD WILLIAMS: ADELINE YOUNG: EDDIE LEE ANDREWS: NELSON COBB and HENDERSON FIELDS,

to appear within thirty (30) days from the service of this writ in the Circuit Court of Baldwin County, Alabama, Equity Side, to be held for said County at the place of holding same, then and there to answer the Bill of Complaint filed against them by Bacon-McMillan Manufacturing Company, a Partnership, composed of Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner DaPonte, Mary D. Frazer, Mell A. Frazer, Annie McMillan Hastie, Ben F. Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan and Raymond N. McMillan.

WITNESS my hand this 1st day of November, 1951.


As Register of the Circuit Court of
Baldwin County, Alabama, in Equity.

BILL OF COMPLAINT

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Bacon-McMillan Manufacturing Company, a Partnership, composed of the partners hereinafter named, as complainant, presents this Bill of Complaint against 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 L. Reano, as an individual and as an officer and member of the said unions; Richard Farris, an officer or employee and member of the said unions; A. J. Searcy, an officer or employee and member of the said unions; Mark Ganey; Henry Lee Hammond; Clinton Hammond; N. H. Allen; Dougald Harvill; Hilary Harvill; Henry Stephens; Arthur Stephens; Buford Brown; Leslie Brown; Lindsey Whatley; Jesse Emanuel; Ishmeal Cook; Preston Ferrell; Roosevelt Johnson; Theodore Stevens; Eunice Stevens; Cleo Evans; Doc Johnson; Wayman Williams; Charlie Harvey; Leo Clark; Bradford Porter; Ed Culpepper; Hartford Edwards; S. T. Edwards; A. G. Hill; Evans Henry; J. W. Henry; Willie Harvey; Council Jackson; Robert Ellis James; Lee A. Myles; David Stevens; Willie Sanders; James W. Smith; Hamilton Washington; James Williams; Bradford Williams; Adeline Young; Eddie Lee Andrews; Nelson Cobb and Henderson Fields, and, thereupon, the complainant respectfully represents unto the Court and your Honor as follows:

1. The complainant, Bacon-McMillan Manufacturing Company, is a partnership composed of Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner DaPonte, Mary D. Frazer, Mell A. Frazer, Annie McMillan Hastie, Ben F. Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan and Raymond N. McMillan, with its principal place of business at Stockton, Baldwin County, Alabama. All of the said partners are over twenty-one years of age and all of the said partners are residents of Baldwin County, Alabama, except

Dorothy Danner DaPonte, Mary D. Frazer, Mell A. Frazer and Ella P. McMillan, who are residents of Mobile County, Alabama.

The respondent, United Construction Workers, affiliated with the United Mine Workers of America, is an unincorporated association of individuals functioning as a labor union; United Mine Workers of America is an unincorporated association of individuals functioning as a labor union. John L. Reano is an officer and member of the said unions; Richard Farris is an officer or employee and a member of the said unions; A. J. Searcy is an officer or employee and a member of the said unions. The residence or post office address of the said John L. Reano, Richard Farris and A. J. Searcy is unknown to the complainant, but the said parties can be reached at the office of the said United Construction Workers, which is located, to-wit, at 352 St. Francis Street, Mobile, Alabama.

The respondents, Mark Ganey, Henry Lee Hammond, Clinton Hammond, N. H. Allen, Dougald Harvill, Hilary Harvill, Henry Stephens, Arthur Stephens, Arthur Stephens, Buford Brown, Leslie Brown, Lindsey Whatley, Jesse Emanuel, Ishmeal Cook, Preston Ferrell, Roosevelt Johnson, Theodore Stevens, Eunice Stevens, Cleo Evans, Doc Johnson, Wayman Williams, Charlie Harvey, Leo Clark, Bradford Porter, Ed Culpepper, Hartford Edwards, S. T. Edwards, A. G. Hill, Evans Henry, J. W. Henry, Willie Harvey, Council Jackson, Robert Ellis James, Lee A. Myles, David Stevens, Willie Sanders, James W. Smith, Hamilton Washington, James Williams, Bradford Williams, Adeline Young, Eddie Lee Andrews, Nelson Cobb and Henderson Fields, are each residents of Baldwin County, Alabama.

Each of the individual respondents named above is over twenty-one years of age.

2. The complainant is now and was at the time of the matters and things hereinafter complained of, operating a veneer mill at Stockton in Baldwin County, Alabama, where hardwood logs are cut into veneer, which is sold by it and used for the purposes of

making furniture and plywood. The complainant and those through whom it acquired the business which it now operates have been in the same business at the same location since 1909 and has, after long years of successful business operations, built up a number of customers who look to it to supply all or the greater part of their needs in veneer and as a result of long, continued and satisfied business dealings with its various customers and other parties, has built up a reputation in the veneer industry which constitutes what is known as "good will", and which is a most valuable asset of the said complainant. Complainant's investment in its said business is most substantial and the value thereof exceeds the sum of Two Hundred Thousand Dollars (\$200,000.00).

3. For some time prior to October 25, 1951, the said John L. Reano has attempted to persuade the complainant to recognize the United Construction Workers, affiliated with the United Mine Workers of America, an unincorporated association of individuals functioning as a labor union, as the bargaining agent for the complainant's employees, which the complainant has refused to do.

On October 25, 1951 a number of the individual respondents named above, who were employees of the complainant, did not report for work and congregated with other of said respondents in a large body at or near the place where the road, which leads into the complainant's plant at Stockton in Baldwin County, Alabama, intersects the old public road which runs from Stockton through what is known as Cottage Hill, to Bay Minette. This action on the part of the said respondents, or a large part of them, has continued from the morning of October 25, 1951 to this date. During a part of the time they congregate and trespass on private property which belongs to Bacon-McMillan Veneer Company, a Corporation, or to other persons, without permission of the said owners and have prepared and served meals thereon.

On Thursday afternoon, October 25, 1951, the respondent, Roosevelt Johnson, went to the home of Joe Robinson, Jr., who is one of complainant's employees and whose home is in the mill quarters of

the complainant on property leased by the complainant from Bacon-McMillan Veneer Company, a Corporation, and at the said time and place told the wife of Joe Robinson, Jr., to tell him not to go into that mill.

On, to-wit, October 25, 1951, a white man whose name is unknown to the complainant, but which complainant alleges on information and belief to be the respondent, Richard Farris or the respondent, A. J. Searcy, told Joe Robinson, Jr., one of complainant's employees, not to go into the mill.

On Thursday night, October 25, 1951, Roosevelt Johnson, Doc Johnson and J. W. Henry, three of the respondents named in this suit, went to the home of Dan Allen, who is one of complainant's employees and which home is in the mill quarters of the complainant on land leased by it from the Bacon-McMillan Veneer Company, a Corporation, and while at Dan Allen's home and in the presence of Dan Allen, his wife and boy, J. W. Henry said, in the presence of the said respondents, Roosevelt Johnson and Doc Johnson, that "the head union man had sent them there" and at the said time and place the said Roosevelt Johnson said that "they had orders to come there and that if he (Dan Allen) went to the mill tomorrow he wouldn't come out."

At the said time and place, while the said parties were present, the respondent, Doc Johnson, stated, in substance, that "only one thing had them held up: Mr. Mac (Mr. McInnis) wouldn't sign the papers and as long as any of them went into the mill they wouldn't get a union."

On October 25, 1951 the respondent, Roosevelt Johnson, went to the house of Willie Thomas, who is one of complainant's employees, and while there the said Roosevelt Johnson stated that he had orders from the union man to tell Willie Thomas to stay away from the mill.

On, to-wit, October 29, 1951, the said Willie Thomas was stopped in the public road at a point between complainant's mill and L. D. Thompson's store by the respondent, Mark Ganey, who told him that he had better not go back on the job.

On Friday morning, October 26, 1951, around 3:30 o'clock A. M., the respondent, Roosevelt Johnson, went to the home of Ed Crockett, who is one of complainant's employees, whose home is situated in what is known as Vaughn's Settlement, and went up on the porch of the said house. While there the said respondent, Roosevelt Johnson, told Ed Crockett that Willie Mayes, who is one of the complainant's employees, was going to get killed and that if he (Ed Crockett) went to work something would happen to him.

On Friday night, October 26, 1951, Sam James, who is one of complainant's employees and who lives in what is known as Vaughn's Settlement near Stockton, Alabama, went to what is known as the "Luck's Maid Tea Room", which is a colored establishment near his home, on personal business and when he left there and while returning to his home, he was attacked at a point approximately one hundred yards from the public road by three men, the identity of whom is not known, at which time and place the said three men beat him with sticks on his neck and back.

On Monday, October 29, 1951, at or near the point where the road to complainant's plant intersects the public road leading from Stockton to Bay Minette, which runs through what is known as Cottage Hill, the respondent, Dougald Harvill, stated in the presence of a number of parties who were there that they should run in to or turn over John Payne's car. John Payne is one of complainant's employees and is the same person as the John Payne hereinafter referred to.

On Wednesday afternoon, October 31, 1951, John Payne, one of complainant's employees, completed his day's work and while driving his automobile from the complainant's plant down the old public road to what is known as Cottage Hill, he was followed by the respondent, Mark Ganey, to a point which is known as the Double Bridges, and at said point, while the said John Payne was driving his automobile at a high rate of speed in an effort to get away from the respondent, Mark Ganey, the said Mark Ganey ran his automobile into or against the automobile of the said John Payne on several occasions and injured the said John Payne.

On the night of October 31, 1951 around 8:00 or 9:00 o'clock P. M., a person or persons whose names are unknown, went to the home of August Bercant, who is one of the complainant's employees, and shot at or into his home three times, at least one of which hit the house.

On the night of October 31, 1951 a person or persons whose names are to the complainant unknown, went near the house of Walter Lewis, which house is situated in what is known as Vaughn's Settlement near Stockton, Alabama, and near what is known as the Luck's Maid Tea Room, and shot into the house one time with a shot gun. A number of the shot from the said gun struck the house of the said Walter Lewis near the top of one of the doors and broke the glass in the door.

4. Complainant further alleges that the respondents, together with those others whose names are unknown but which will be supplied when ascertained, the powers of equity being necessary for the purpose of such ascertainment, entered into a conspiracy, agreement or understanding for the purpose of preventing the complainant from carrying on its aforesaid business; entered into a conspiracy to use force, threats, intimidation or other unlawful means to prevent the complainant from engaging in its lawful business and entered into a conspiracy to use force, threats, intimidation or other unlawful means to prevent the complainant's employees from engaging in their lawful vocation.

5. The said acts of the respondents, as enumerated above, are unlawful and in violation of Title 26, Section 384 of the Code of Alabama, which 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."

6. The acts of the respondents in unlawfully assembling near complainant's plant and in the commission of the acts enumerated above are in violation of Title 26, Section 385 of the Code of Alabama, 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."

PRAYER FOR PROCESS

Complainant prays that the Court will take jurisdiction of this Bill of Complaint and that the usual process of this Honorable Court will forthwith issue to the respondents, requiring them to appear and answer, demur or plead to the Bill of Complaint within the time and under the pains and penalties prescribed by law.

PRAYER FOR RELIEF

Complainant prays for the following separate and several relief:

1. That there be issued immediately a restraining order or temporary writ of injunction restraining the respondents from committing the following acts:

A. From using force, threats, intimidation or other unlawful means to prevent complainant from engaging in its lawful occupation or business.

B. In any way hindering, delaying or preventing complainant from carrying on its business, except by peaceful picketing or persuasion as limited below.

C. From interfering or threatening to interfere with any person attempting to enter or leave the property or plant of the complainant, except by peaceful picketing and peaceful persuasion as limited below.

D. From interfering with any employee of complainant at complainant's place of business in this county or elsewhere, or any person performing for complainant any duties of employment.

E. From threatening to interfere with any employee of complainant at complainant's plant or any of its operations in Baldwin County, Alabama, or elsewhere, either working for complainant or performing for complainant any duties of his employment.

F. From riotous, disorderly conduct and acts of violence committed or threatened to be committed in or around complainant's plant in Baldwin County, or elsewhere, against any of complainant's employees or any persons desiring to become employees of complainant or any person having business relationships or desiring to have business relationships with complainant.

G. From doing any acts of violence, threats or intimidations against any person or property in and around complainant's plant, mill quarters, at the homes of any of complainant's employees or elsewhere against complainant's employees or property, who are employed by complainant or who desire to have employment with complainant, or have or seek to have business relationships with complainant.

H. From engaging in any acts of violence or from making any threats or from engaging in or performing any acts of intimidation or threatening to do so, or from committing any breaches of the peace or from laying hands in anger on or any assault upon any person or using any defamatory language intending to bring about breaches of the peace, or from engaging in any acts or threatening to engage in any acts which would intend to bring about breaches of the peace or violations of the law.

I. From laying hands on or striking with any missile or instrument any vehicle in which complainant's employees, or those having or seeking to have business relationships with complainant, may be riding, or from doing any of the said acts towards any motor vehicle in which any person seeking employment with complainant may be riding.

J. From following complainant's employees in automobiles as they go to and from work or elsewhere.

K. From using over six pickets at the one entrance to complainant's plant or premises, which said pickets shall be peaceful and shall be kept moving, so as to keep open for free ingress and egress the road and entrance to complainant's plant and properties at all times for all persons.

L. From conspiring together to do or perform any of the

acts hereinabove enumerated.

M. From one or more persons standing or moving in the public highways so as to in any manner stop or delay any person using said highways.

N. From maintaining, or being a part of, any group of persons in the vicinity of the picket line above allowed.

2. That on a final hearing of this cause the temporary restraining order or injunction be made permanent.

3. Complainant further prays for such other, further and general relief as it may be equitably entitled to, the premises considered.

J. B. Blackburn.
Solicitor for Complainant.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

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Before me, the undersigned authority, within and for said County in said State, personally appeared NORMAN M. McINNIS, JR., who, after being by me first duly and legally sworn, deposes and says: That he is General Manager and a member of the firm of Bacon-McMillan Manufacturing Company, a Partnership, composed of the parties named in the foregoing Bill of Complaint; that he has read over the said Bill of Complaint and that the facts stated therein are true.

Norman M. McInnis, Jr.

Sworn to and subscribed before me
on this the 1st day of November, 1951.

Mary Lou Blackburn

Notary Public, Baldwin County, Alabama.

FILED

11-1-51

ALICE J. DUCK, Register

FIAT

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STATE OF ALABAMA)
*
BALDWIN COUNTY)

This cause being submitted to the Court upon application of the complainant for a temporary Writ of Injunction as prayed for in the original Bill of Complaint filed in this cause, and upon consideration thereof, the Court is of the opinion that the same should be granted:

It is, therefore, Ordered, Adjudged and Decreed by the Court that upon the complainant entering into a good and sufficient bond, conditioned as provided by law, in the sum of \$ 1000⁰⁰~~X~~, to be approved by the Register of this Court, that the Register of this Court issue a temporary Writ of Injunction as prayed for in the said Bill of Complaint filed in this cause.

ORDERED AND DONE on this the 1st day of November, 1951.

Telfair J. Mathis, Jr.
Judge of the Circuit Court of Baldwin
County, Alabama, in Equity.

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BACON-McMILLAN MANUFACTURING
COMPANY, a Partnership, as de-
scribed below,

Complainant,

VS

UNITED CONSTRUCTION WORKERS, an
unincorporated association, ET ALS,

Respondents.

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

Comes now, United Construction Workers, an unincorporated
association of individuals, United Mine Workers of America, an
unincorporated association of individuals; John L. Reano, in-
dividually and as Field Representative of said Organizations;
Richard Farris; A. J. Searcy; Mark Ganey; Henry Lee Hammond;
Clinton Hammood; W. H. Allen; Dougald Harvill; Nilarity Harvill;
Henry Stephens; Arthur Stephens; Buford Brown; Leslie Brown;
Lindsey Whatley; Jesse Emanuel; Ishmeal Cook; Preston Ferrell;
Roosevelt Johnson; Theodore Stevens; Eunice Stevens; Cleo Evans;
Doc Johnson; Wayman Williams; Charlie Harvey; Leo Clark; Brad-
ford Porter; Ed Culpepper; Hartford Edwards; S. T. Edwards; A.
G. Hill, Evans Henry; J. W. Henry; Willie Harvey; Council Jack-
son; Robert Ellis James; Lee A. Myles; David Stevens; Willie
Sanders; James W. Smith; Hamilton Washington; James Williams;
Bradford Williams; Adeline Young; Eddie Lee Andrews; Nelson Cobb
and Henderson Fields, all respondents in the above styled cause
and file the following demurrers, pleas and answers to the com-
plaint heretofore filed against them in this cause, in words and
figures as follows:

DEMURRERS

The respondents demur to the complaint and each aspect of
same assigning as grounds the following separate and several de-
murrers:

1. There is no equity in the bill.
2. The complainants have a complete remedy at law.
3. The complainants have an adequate remedy at law.
4. The complaint shows on its face that the matters com-
plained of grow out of a labor dispute between an industry in

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interstate commerce and the employees of said industry, the jurisdiction of which is in the National Labor Relations Board of the United States.

5. Said complaint shows that the matters charged to these respondents as to picketing, assembly, peaceful solicitation and other allegations, are matters regulated by the Taft-Hartley Act of the Congress of the United States, and are not in violation of said law.

6. It affirmatively appears that the allegation referring to persuasion, assembly, picketing, solicitation of other employees, concerted action by and among the respondents, the use of public highways and maintenance of a picket line are all matters restricted, limited and defined by the Acts of Congress regulating the acts of businesses in interstate commerce and as such, the allegations of the complaint are insufficient to support a claim for relief.

7. It affirmatively appears from the complaint that the acts charged against these respondents are lawful acts under the laws of the United States as regulated by the Taft-Hartley Act and are insufficient to support the issuance of an injunction, temporary or permanent.

8. It affirmatively appears from the complaint that the complainants have a complete and adequate remedy under the powers of the National Labor Relations Board which has full and complete jurisdiction of a labor dispute in industries affecting interstate commerce such as that of the complainants in this proceeding.

9. It affirmatively appears from the complaint that the laws of Alabama as set out in said complaint, have been superceded and pre-empted in the field of labor disputes in interstate industries by the Acts of Congress known as the Taft-Hartley Act.

PLEA

The respondents, and each of them, as plea to the complaint

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allege that the complainants are engaged in the manufacture of veneer and other products sold in interstate commerce, which products are used by furniture and other wood working factories in many states in the United States, that the incidents charged to the respondents in the complaint heretofore filed in this cause are necessarily a part and partake of a labor dispute between the complainants and the respondents, arising out of the refusal of the complainants to recognize the respondent, United Construction Workers, as the labor organization representing the individual respondent employees, that said organization represents a majority of the employees of said plant of which the complainants have notice, that the complainants refused to recognize or deal with said organization without denying that said organization is the legal representative of said employees, that the activities charged to the respondents in said complaint are legal activities under the laws of the United States governing and regulating strikes and labor disputes in industries in interstate commerce and that the rights and privileges of the respondents individuals are regulated by the Acts of Congress and the National Labor Relations Board operating under these acts wherefore, this court is without jurisdiction to pass on the rights and obligations of the respondents as employees or the complainants as employers in the manner and form of picketing, persuasions, conspiracies and other methods and practices employed by each of the parties in said labor dispute.

ANSWER

Comes the respondents and without waiving the right of demurrer or plea to the bill of complaint but expressly insisting on said rights, file this their answer to said complaint, viz:

1. The respondents admit the allegations of Paragraph One except as to minor unimportant particulars such as the headquarters of the United Construction Workers which is actually not in Mobile, Alabama, said Mobile office being a branch.

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2. The respondents admit the allegations of Paragraph Two and admit that said complainants are engaged in the production of wood products sold in interstate commerce to manufacturers of furniture and plywood in other States of the United States than the State of Alabama. Respondents do not admit the investment complainant may have in said business, if same is material, having no information on which to admit or deny this allegation.

3. Answering Paragraph Three, the respondents say that John L. Reano, with others, has assisted the employees of the complainant company in forming a labor union or local union of the employees in complainant's plant and said John L. Reano and others of the respondents have advised the complainants that they are representatives of the bargaining agent of said employees and the complainants have refused to recognize or deal with respondent John L. Reano or other respondents.

Respondents admit that on October 25, 1951 following the refusal of complainants to recognize said union or negotiate a contract with them, there was a work stoppage and a picket line was established on a public road in Baldwin County and said picket line has continued to the date of this answer. The respondents admit that they perhaps have trespassed on property of the complainants without warning or knowledge, in that, they had meals served at a church, which the congregation assumed belonged to the members of the congregation but which they later discovered belonged to the complainants, all without notice from the complainants or without objection.

Respondents admit that it is probable that respondent, Roosevelt Johnson discussed the strike with the wife of Joe Robinson, Jr., and by peaceful persuasion, attempted to influence Joe Robinson, Jr., from going to work but respondents all deny that respondent Roosevelt Johnson threatened or used unlawful persuasion on any employee.

Respondents neither admit nor deny that on October 25, 1951 Richard Farris or A. J. Searcy told Joe Robinson, Jr., not to go

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in the mill as neither of the said respondents recall said conversation but each of them deny that any unlawful methods, amounting to more than peaceful persuasion, were used with Joe Robinson, Jr., or any other employee.

Respondents deny that Roosevelt Johnson, J. W. Henry or Doc Johnson or any of them, on October 25, 1951 stated to Dan Allen, his wife or boy that if Dan Allen went into the mill tomorrow, he would not come out, said allegation being untrue. The respondents deny that on that occasion Doc Johnson stated that as long as any of them went into the mill they would not get a union, the respondent stating that in truth and fact, Doc Johnson stated that Mr. Mac (Mr. McInnis) would not recognize the union and would not negotiate with them, and as long as they continued to work, he never would recognize them.

The respondents deny that the respondent Roosevelt Johnson, went to the house of Willie Thomas and stated that he had orders from the union man to tell Willie Thomas to stay away from the mill, the truth and fact being that said Roosevelt Johnson did solicit, by peaceful persuasion, a number of employees and may have solicited Willie Thomas to join with the other employees in staying out of the mill until the complainants agreed to negotiate a contract with the respondents or their representatives.

Respondents deny that on October 29th Mark Ganey told Willie Thomas that he had better not go back on the job, respondents alleging the fact to be that Mark Ganey attempted by peaceful persuasion to influence employees, perhaps including Willie Thomas, into a refusal to work until the union had been recognized.

Respondents deny that on Friday morning, October 26, 1951, around 3:30 a.m. Roosevelt Johnson told Ed Crockett that Willie Mayes was going to get killed, that if he, Ed went to work, something would happen to him.

Respondents deny that they or any of them, have any knowledge of the allegation that on Friday night, October 26, 1951,

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Sam James was assaulted on a public road by three men who beat him with sticks, the respondents saying that if said incident occurred, they are without knowledge of said occurrence or the persons participating in same. The respondents deny that on Monday, October 29, 1951 Dougald Harvill stated that persons in his presence should run into or turn over John Payne's car, alleging the fact to be that respondent Dougald Harvill, stated that John Payne was trying to get somebody to hurt him or his car and in his opinion the conduct of John Payne would result in damages to his car.

Respondents deny that John Payne, on October 31, 1951, was followed by Mark Ganey, who, operating his automobile at a high rate of speed ran into the said John Payne, alleging the fact to be, that John Payne on that day and on previous days had operated his automobile at a high rate of speed in the vicinity of persons standing in public roads and in close-proximity of automobiles in an effort to frighten or injure some of the respondents or property used by them, such as vehicles for transportation, and including the automobile of Mark Ganey; that in this course of conduct he used language calculated to provoke a breach of the peace and that the said John Payne created incidents with the purpose of tormenting and irritating these respondents into a personal assault on him or his property and that on the occasion complained of, the said John Payne did create an incident by running into the automobile of the respondent, Mark Ganey on several occasions to the peril of said Mark Ganey and his safety and the actions of said Mark Ganey on that occasion, had nothing to do with the plans, efforts or policies of these respondents in connection with the labor dispute but were personal matters between respondent Mark Ganey, and the said John Payne, resulting from the deliberate efforts of John Payne to provoke a breach of the peace.

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Respondents neither admit nor deny the occurrence alleged about 8 p.m. on October 31, at the home of August Bercant having no knowledge of same and being without information, denying that said incident occurred.

The respondents neither admit nor deny the allegation that on October 31st, a shot was fired into the home of Walter Lewis, the respondents having no knowledge of same and being uninformed, deny said incident occurred and demand strict proof of same.

4. Answering Paragraph Four, respondents deny any agreement, conspiracy, or understanding to use force and threats or unlawful means to prevent the complainants from engaging in its lawful business exists, and deny entertaining or entering into any illegal agreement, conspiracy or understanding to use any unlawful means to prevent complainants employees from working; respondents alleging that the agreement or understanding is the association of the employees into a local labor union, the selection and authorization of the committee to act for them in negotiating by peaceful means, an agreement with the complainants as to hours of work, rates of pay and conditions of employment which has resulted in a refusal to work by a majority of the employees unless said agreement covering working rates, conditions and pay has been negotiated and that said respondents are endeavoring by lawful and peaceful means to maintain a picket line at the entrance to said plant and by peaceful persuasion, to influence the employees to abstain from working for the complainant until said agreement has been negotiated.

5. The respondents deny that the acts of the respondents in and about the matters complained of have been in violation of Title 26, Section 384 of the Code of Alabama and the respondents further deny that said act has application to the labor dispute involved in this proceeding, respondents believing that the regulations and laws of the United States, as adopted by the Congress

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and the National Labor Relations Board, govern the conduct of the parties to this dispute.

6. The respondents deny that Title 26, Section 385 of the Code of Alabama has been violated by the respondents but respondents further deny that said act has application to the privileges, rights and immunities given to these respondents under the laws of the United States outlining the rights and privileges of employees in industries affecting interstate commerce.

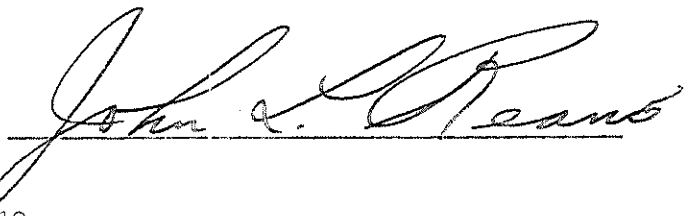
And having fully answered, respondents pray that they be dismissed with their costs in this behalf expended.


Solicitor for Respondents.


STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me the undersigned authority in and for said State and County, John L. Reano, who being by me duly sworn, deposes and says that he has read the foregoing plea and answer, that he has personal knowledge of the facts therein alleged and that he is informed and on such information, he believes that the statements alleged in the foregoing plea and answer are true.



Sworn to and subscribed before me
on this the 18th day of January, 1952.


Notary Public, Mobile County, Alabama.

FILED

1-21-52

ALICE J. DUCK, Register

BACON-McMILLAN MANUFACTURING
COMPANY, a Partnership,

Complainant,
VS.

UNITED CONSTRUCTION WORKERS,
an Unincorporated Associa-
tion, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MOTION

Now come Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner DaPonte, Mell A. Frazer, Annie McMillan Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan and Raymond N. McMillan, the surviving partners of the firm of Bacon-McMillan Manufacturing Company, a partnership, the complainant in this cause, by their solicitor, and show unto the Court as follows:

1. The said partnership was dissolved by the death of Ben F. Hastie, one of the said partners, whose death occurred on August 14, 1952.

2. After the dissolution of the said partnership by the death of Ben F. Hastie, one of the said partners, Mary D. Frazer, one of the said surviving partners, died on, to-wit, March 30, 1953, leaving the above named parties as the surviving partners of the late partnership.

3. This said cause is now pending and the said surviving partners move the Court to make and enter a proper order or decree, allowing the said cause to proceed and to be prosecuted in their names as surviving partners of the late partnership. The said surviving partners move the Court for such other, further and general relief as they may be equitably entitled to, the premises considered.

FILED

8-12-53
ALICE J. DUCK, Register

J. B. Blackburn

Solicitor for surviving partners
as aforesaid.

2137

MOTION

BACON-McMILLAN MANUFACTURING
COMPANY, a Partnership,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS,
an Unincorporated Association,
ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
AUG 12 1938
CLERK OF COURT

BACON-McMILLAN MANUFACTURING
COMPANY, a Partnership,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS,
an Unincorporated Association,
ET ALS.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

STIPULATION

It is stipulated by and between the parties to this cause, acting by and through their respective Solicitors, as follows:

1. The Respondents and each of them have and do hereby release and discharge the Complainant firm and each and all of the members of the said firm from any and all liability of every kind and nature which exists or may exist under and because of the injunction bond which was filed by the Complainant in this cause, and consent and agree that the decree hereinafter referred to contain a provision releasing the said parties from liability under the said bond in all respects, as provided herein.
2. That a decree be rendered dismissing this cause without prejudice, relieving the Complainant firm and each and every member thereof from liability under the injunction as provided above, and that the costs of the said proceeding be taxed against the Complainant.
3. The filing of this stipulation in this cause shall be full and complete authority for the court to render a decree or decrees in the manner provided herein, which decree or decrees shall be rendered with the consent of the said parties.

DATED this 22nd day of January, 1954.

FILED

1-22-54
ALICE J. DUCK, Register

J. B. Blackburn
Solicitor for Complainant

Samuel R. Gause
Solicitor for Respondents.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF ALABAMA, SOUTHERN DIVISION

BACON McMILLAN MANUFACTURING
COMPANY, a Partnership composed
of the partners hereinafter
named,

Complainant,

VERSUS

UNITED CONSTRUCTION WORKERS,
ET AL,

Respondents.

CIVIL ACTION
NO. 1061.

This cause came on to be heard on the 11th day of December, 1951, on the motion of the complainant to remand said cause to the Circuit Court of Baldwin County, Alabama, from whence it came. After arguments in open court the cause was taken under submission, awaiting the filing of briefs. And now, after further study and consideration, the Court is of the opinion that said cause should be remanded in accordance with Section 1447(c), Title 28, United States Code, and it is the duty of this court to remand the cause to the State court; it is therefore

ORDERED, ADJUDGED and DECREED that this cause be and the same is REMANDED, and the Clerk of this court is hereby directed to furnish a certified copy of this order, together with all the pleadings filed in this cause, to the Clerk of the Circuit Court of Baldwin County, Alabama, from which court the cause was improvidently removed.

It is further ORDERED that the costs incurred in this court be and the same are hereby assessed against and ordered to be paid by the respondents, for which let execution issue.

DONE at Mobile, Alabama, this 4th day of January,
A.D. 1952.

A TRUE COPY:
ATTEST:
TAZEWELL T. SHEPARD, CLERK,
By - *T. T. Shepard*
Deputy Clerk.

Daniel H. Thomas
U. S. District Judge

Executed by serving a copy of the within Summons and Bill of
Complaint on the following this the 9th day of November, 1951.

Mark Ganey	11-6-51	Arthur Stephens	11-9-51	11
Henry Lee Hammonds	11-6-51	Henry Stephens	11-9-51	
Clayton Hammond	11-6-51	Ishmel Cook	11-7-51	
Richard Harris	11-6-51	Dock Johnson	11-7-51	
M. H. Allen	11-7-51	Evans Henry	11-7-51	
Dougald Harville	11-7-51	Buford Brown	11-8-51	
Hilary Harville	11-7-51	Leslie Brown	11-8-51	
Cleo Evans	11-6-51	Jesse Emanuel	11-8-51	
Roosevelt Johnson	11-7-51	Theodore Stevens	11-8-51	
Hartford Edwards	11-7-51	S. T. Edwards	11-8-51	
Eddie Lee Andrews	11-7-51	Council Jackson	11-8-51	
Nelson Cobb	11-7-51	Willie Senders	11-8-51	
Henderson Fields	11-7-51			
James Williams	11-7-51			
A. J. Seavy	11-8-51			
Lindsey Whatley	11-8-51			
Adeline Young	11-9-51			
Bradford Williams	11-9-51			
Hamilton Washington	11-9-51			
James W. Smith	11-9-51			
David Stevens	11-9-51			
Lee A. Myles	11-9-51			
Robert Ellis James	11-9-51			
Willie Harvey	11-9-51			
J. W. Henry	11-9-51			
A. G. Hill	11-9-51			
Ed Culpepper	11-9-51			
Bradford Porter	11-9-51			
Leo Clark	11-9-51			
Charlie Harvey	11-9-51			
Wayman Williams	11-9-51			
Eunice Steams	11-9-51			
Preston Ferrell	11-9-51			

Taylor Wilkins, Sheriff

By E. S. Hartley D.S.

REC'D
015
FBI
190

VERNOL R. JANSEN
LAWYER
205 TITLE INSURANCE BUILDING
MOBILE, ALA.

November 26, 1951

Mrs. Alice Duck
Register in Chancery
Circuit Court
Baldwin County, Alabama

Dear Mrs. Duck:

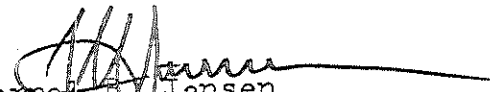
In re: Bacon-McMillan Manuf. Co.
vs: Union Construction Workers

I have today filed in the office of the clerk of the Southern District of the State of Alabama, United States Court, a petition and bond for the removal of this cause to the Federal court.

I enclose herewith copy of my petition and copies of the bond.

I have mailed Mr. Blackburn copies of same, so you will not have to serve him through the court.

Very truly yours,


Vernol R. Jansen

VRJ/kf

encl.

BACON-McMILLAN MANUFACTURING
COMPANY, a Partnership, as
described below,

Complainant,

VS

UNION CONSTRUCTION WORKERS,
an unincorporated association,
et al,

Respondents.

NO. _____.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY,

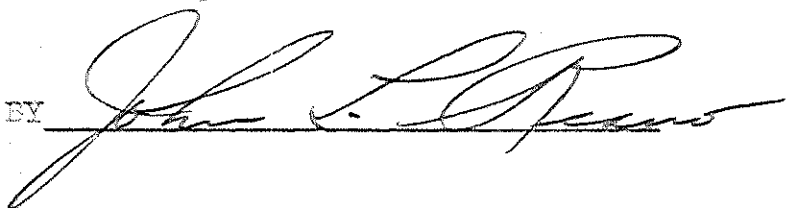
REMOVAL BOND

KNOW ALL MEN BY THESE PRESENTS: That the undersigned
United Mine Workers of America, an unincorporated association,
United Construction Workers, an unincorporated association, af-
filiated with the United Mine Workers of America, John L. Reano
individually and as an officer and member of said unions, as
Principals and The Fidelity & Deposit Company of Maryland as
Surety on behalf of themselves and the individual respondents
named in the above styled cause, are held and firmly bound unto
Bacon-McMillan Manufacturing Company, a Partnership, in the penal
sum of Two Hundred and Fifty (\$250.00) Dollars; for the payment
thereof well and truly to be made, the undersigned bind them-
selves, their successors and assigns, jointly and severally by
these presents; upon condition that the respondents in the above
styled cause will pay all costs and disbursements incurred by
reason of the removal proceedings should it be determined that
this cause was not removable or was improperly removed.

Now if the said District Court of the United States shall
hold that said suit was properly removed thereto then this ob-
ligation shall be void and the securities discharged and the
obligor shall be forthwith returned and the security thereof
forthwith discharged, otherwise to remain in full force and ef-
fect.

UNITED CONSTRUCTION WORKERS, an
unincorporated association

BY



UNITED MINE WORKERS OF AMERICA, an
unincorporated association.

BY John L. Reano

John L. Reano
JOHN L. REANO, for himself and as
an officer and member of said unions,
and on behalf of the individually
named respondents in the above styled
cause.

Fidelity and Deposit Company of Maryland

B. B. Wilson Jr.
SURETY

STATE OF ALABAMA

COUNTY OF MOBILE

JOHN L. REANO, being duly sworn, deposes and says that he
is the person executing the foregoing bond on behalf of the United
Construction Workers and on behalf of the United Mine Workers of
America, District 50, and that he is authorized to make and exe-
cute this bond as Regional Director of Region _____, District
50, United Mine Workers of America, an unincorporated associa-
tion, and on behalf of the individual respondents by direction
and authority from said individuals.

Sworn to and subscribed before me
this the 26th day of November, 1951.

B. B. Wilson Jr.
NOTARY PUBLIC, MOBILE COUNTY, ALA.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF ALABAMA, SOUTHERN DIVISION:

BACON-McWILLAN MANUFACTURING
COMPANY, a Partnership as de-
scribed below,

Complainant,

VS.

UNION CONSTRUCTION WORKERS, an
unincorporated association, etals.

Respondents.

NO. _____.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

PETITION FOR REMOVAL FROM THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY TO THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION.

Petitioners, who have been made respondents in this Civil
proceeding in the Circuit Court of Baldwin County, Alabama, file
this their verified petition for removal to the District Court
of the United States and for cause show as follows:

1. This is a civil action or proceeding arising under an
Act of Congress regulating commerce in the United States.
2. The allegations of the complaint with respect to picket-
ing and with respect to the activities of complainants and re-
spondents shows that said proceeding involved a controversy af-
fecting interstate commerce within the meaning of the Labor-
Management Relations Act of 1947.
3. The complainants in the above styled cause are engaged
within the Southern Division of the Southern District of the
State of Alabama, in a business as described in the complaint,
affecting commerce within the meaning of the National Labor Re-
lations Act, as amended.

Copies of all process, pleadings and orders served upon the
respondents, your petitioners in the State court in the above
styled cause are attached hereto and made a part hereof. A copy
of the petition and bond filed in this court will be filed with

the Register of the Circuit Court of Baldwin County, Alabama,
sitting in Equity.

W. R. Jansen
Solicitor for Respondents

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned Notary Public, in and for said County and State, personally appeared John L. Beano, who, being by me first duly sworn, deposes and says that he is one of the petitioners in the foregoing petition and is authorized to make this affidavit on behalf of all the respondents in the State Court and petitioners in this court and that the facts set out in the foregoing petition are true.

John L. Beano

Sworn to and subscribed before me
this the 24th day of November, 1951.

B. R. Wilson, Jr.
NOTARY PUBLIC, MOBILE COUNTY, ALA.

The undersigned, as Attorney for the respondents and petitioners herein, hereby certifies that he has served a copy of the petition and bond for removal on J. B. Blackburn, Esquire, attorney for the complainants, on this the _____ day of November, 1951.

W. R. Jansen
Attorney for Respondents.

Executed by serving a copy of the Writ of Injunction on each of the following: this the 2nd day of November, 1951.

Richard Farris
A. J. Searcy
Mark Ganey
Henry Lee Hammonds
Clinton Hammonds
N. H. Allen
Dougal Harville
Hilary Harvill
Henry Stevens
Buford Brown
Arthur Stevens
Leslie Brown
Lindsey Whatley
Jessie Emanuel
Ishmeal Cook
Preston Ferrell
Roosevelt Johnson
Theodore Stevens
Eunice Stevens
Cleo Evans
Doc Johnson
Wayman Williams
Charlie Harvey
Leo Clark
Bradford Porter
Ed Culpepper
Hartford Edwards
S. T. Edwards
A. G. Hill
Evans Henry
J. W. Henry

Willie Harvey
Council Jackson
Robert Ellis James
Lee A. Myles
Willie Sanders
James W. Smith
Hamilton Washington
James Williams
Bradford Williams
Adeline Young
Eddie Lee Andress
Nelson Cobb
Henderson Fields, Jr.
Ezera Kennedy
Wilma Cooper
Malachi Ankum
Rufus Harvey
Peter Williams
Savana Ankum
John York, Jr.
Letha Mae Harvey
Earl Harvey
John Fields
Richmond Fields
Violet Fields
Mary Fields
Leslie Smith
Leo Fields
Williard York
David Stevens

Taylor Wilkins, Sheriff

By: W. F. Hall D.S.

BACON-McMILLAN MANUFACTURING)
COMPANY, a Partnership, as)
described below,)

VS. Complainant,) IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

UNION CONSTRUCTION WORKERS; an) IN EQUITY
unincorporated association,)
ET AL,)

Respondents.)

WRIT OF INJUNCTION

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

We command you, that without delay you execute this writ
and make due return how you have executed the same according to law.

Dated this 1st day of November, 1951.

Reece J. French

As Register of the Circuit Court of
Baldwin County, Alabama, Sitting in
Equity.

TO: UNITED CONSTRUCTION WORKERS, affiliated with United Mine Work-
ers 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 L. REANO, as an individual and as an officer
and member of the said unions; RICHARD FARRIS, an officer or
employee and member of the said unions; A. J. SEARCY, an of-
ficer or employee and member of the said unions; MARK GANEY;
HENRY LEE HAMMOND; CLINTON HAMMOND; N. H. ALLEN; DOUGALD HAR-
VILL; HILARY HARVILL; HENRY STEPHENS; ARTHUR STEPHENS; BUFORD
BROWN; LESLIE BROWN; LINDSEY WHATLEY; JESSE EMANUEL; ISHMEAL
COOK; PRESTON FERRELL; ROOSEVELT JOHNSON; THEODORE STEVENS;
EUNICE STEVENS; CLEO EVANS; DOC JOHNSON; WAYMAN WILLIAMS;
CHARLIE HARVEY; LEO CLARK; BRADFORD PORTER; ED CULPEPPER; HART-
FORD EDWARDS; S. T. EDWARDS; A. G. HILL; EVANS HENRY; J. W.
HENRY; WILLIE HARVEY; COUNCIL JACKSON; ROBERT ELLIS JAMES; LEE
A. MYLES; DAVID STEVENS; WILLIE SANDERS; JAMES W. SMITH; HAMIL-
TON WASHINGTON; JAMES WILLIAMS; BRADFORD WILLIAMS; ADELINE
YOUNG; EDDIE LEE ANDREWS; NELSON COBB and HENDERSON FIELDS,

WHEREAS, Bacon-McMillan Manufacturing Company, a partner-
ship composed of Minnie Lou McMillan, Sue McMillan Byrne, Dorothy
Danner DaPonte, Mary D. Frazer, Mell A. Frazer, Annie McMillan Hastie,
Ben F. Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Nor-

man M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan, and Raymond N. McMillan, has this day filed its Bill of Complaint in the Circuit Court of Baldwin County, Alabama, Equity Side, against the parties shown above, praying, among other things, that a temporary injunction or restraining order be issued, restraining each and all of you as follows:

A. From using force, threats, intimidations or other unlawful means to prevent complainant from engaging in its lawful occupation or business.

B. In any way hindering, delaying or preventing complainant from carrying on its business, except by peaceful picketing or persuasion as limited below.

C. From interfering or threatening to interfere with any person attempting to enter or leave the property or plant of the complainant, except by peaceful picketing and peaceful persuasion as limited below.

D. From interfering with any employee of complainant at complainant's place of business in this county or elsewhere, or any person performing for complainant any duties of employment.

E. From threatening to interfere with any employee of complainant at complainant's plant or any of its operations in Baldwin County, Alabama, or elsewhere, either working for complainant or performing for complainant any duties of his employment.

F. From riotous, disorderly conduct and acts of violence committed or threatened to be committed in or around complainant's plant in Baldwin County, or elsewhere, against any of complainant's employees or any persons desiring to become employees of complainant or any person having business relationships or desiring to have business relationships with complainant.

G. From doing any acts of violence, threats or intimidations against any person or property in and around complainant's plant, mill quarters, at the homes of any of complainant's employees or elsewhere against complainant's employees or property, who are

employed by complainant or who desire to have employment with complainant, or have or seek to have business relationships with complainant.

H. From engaging in any acts of violence or from making any threats or from engaging in or performing any acts of intimidation or threatening to do so, or from committing any breaches of the peace or from laying hands in anger on or any assault upon any person or using any defamatory language intending to bring about breaches of the peace, or from engaging in any acts or threatening to engage in any acts which would intend to bring about breaches of the peace or violations of the law.

I. From laying hands on or striking with any missile or instrument any vehicle in which complainant's employees, or those having or seeking to have business relationships with complainant, may be riding, or from doing any of the said acts towards any motor vehicle in which any person seeking employment with complainant may be riding.

J. From following complainant's employees in automobiles as they go to and from work or elsewhere.

K. From using over six pickets at the one entrance to complainant's plant or premises, which said pickets shall be peaceful and shall be kept moving, so as to keep open for free ingress and egress the road and entrance to complainant's plant and properties at all times for all persons.

L. From conspiring together to do or perform any of the acts hereinabove enumerated.

M. From one or more persons standing or moving in the public highways so as to in any manner stop or delay any person using said highways.

N. From maintaining, or being a part of, any group of persons in the vicinity of the picket line above allowed;

AND, WHEREAS, the said Bill of Complaint being exhibited to the Honorable Telfair J. Mashburn, Jr., Judge of the Circuit Court of Baldwin County, Alabama, on this date, he did order that

upon complainant's entering into bond with sufficient sureties in the sum of One Thousand Dollars (\$1,000.00) to be approved by the Register of this court, payable and conditioned as provided by law, that a Writ of Injunction issue out of this court according to the prayer of the said bill; and,

WHEREAS, the said bond has been given and approved as required by the said order:

THESE, THEREFORE, ARE TO COMMAND AND STRICTLY ENJOIN YOU AND EACH OF YOU AS FOLLOWS:

A. From using force, threats, intimidations or other unlawful means to prevent complainant from engaging in its lawful occupation or business.

B. In any way hindering, delaying or preventing complainant from carrying on its business, except by peaceful picketing or persuasion as limited below.

C. From interfering or threatening to interfere with any person attempting to enter or leave the property or plant of the complainant, except by peaceful picketing and peaceful persuasion as limited below.

D. From interfering with any employee of complainant at complainant's place of business in this county or elsewhere, or any person performing for complainant any duties of employment.

E. From threatening to interfere with any employee of complainant at complainant's plant or any of its operations in Baldwin County, Alabama, or elsewhere, either working for complainant or performing for complainant any duties of his employment.

F. From riotous, disorderly conduct and acts of violence committed or threatened to be committed in or around complainant's plant in Baldwin County, or elsewhere, against any of complainant's employees or any persons desiring to become employees of complainant or any person having business relationships or desiring to have business relationships with complainant.

G. From doing any acts of violence, threats or intimidations against any person or property in and around complainant's

plant, mill quarters, at the homes of any of complainant's employees or elsewhere against complainant's employees or property, who are employed by complainant or who desire to have employment with complainant, or have or seek to have business relationships with complainant.

H. From engaging in any acts of violence or from making any threats or from engaging in or performing any acts of intimidation or threatening to do so, or from committing any breaches of the peace or from laying hands in anger on or any assault upon any person or using any defamatory language intending to bring about breaches of the peace, or from engaging in any acts or threatening to engage in any acts which would intend to bring about breaches of the peace or violations of the law.

I. From laying hands on or striking with any missile or instrument any vehicle in which complainant's employees, or those having or seeking to have business relationships with complainant, may be riding, or from doing any of the said acts towards any motor vehicle in which any person seeking employment with complainant may be riding.

J. From following complainant's employees in automobiles as they go to and from work or elsewhere.

K. From using over six pickets at the one entrance to complainant's plant or premises, which said pickets shall be peaceful and shall be kept moving, so as to keep open for free ingress and egress the road and entrance to complainant's plant and properties at all times for all persons.

L. From conspiring together to do or perform any of the acts hereinabove enumerated.

M. From one or more persons standing or moving in the public highways so as to in any manner stop or delay any person using said highways.

N. From maintaining, or being a part of, any group of persons in the vicinity of the picket line above allowed.

IN WITNESS WHEREOF, I have hereunto set my hand, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, on this the 1st day of November, 1951.

Alice J. Deck

As Register of the Circuit Court of
Baldwin County, Alabama, Sitting in
Equity.

FILED

11-1-51

ALICE J. DECK, Register

Take Book

BACON-McMILLAN MANUFACTURING
COMPANY, a Partnership,

Complainant,
VS.

UNITED CONSTRUCTION WORKERS,
an Unincorporated Associa-
tion, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE

In this cause it is made to appear to the Court from the motion filed in this cause on this date by Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner DaPonte, Mell A. Frazer, Annie McMillan Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan and Raymond N. McMillan, as surviving partners of the late partnership of Bacon-McMillan Manufacturing Company, which was a partnership composed of the said surviving partners, and Ben F. Hastie and Mary D. Frazer, that Ben F. Hastie died on, to-wit, August 14, 1952, and that Mary D. Frazer died on, to-wit, March 30, 1953, leaving the above named parties as the surviving partners of the said firm; that this cause is now pending on the docket of this court and may be prosecuted in the names of the said surviving partners; upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That this cause may proceed and be prosecuted by and in the names of the surviving partners named above.

ORDERED, ADJUDGED AND DECREED on this the 12 day of August, 1953.

Hubert M. Hall

Judge.

RECORDED
DECEMBER

BACON-McMILLAN MANUFACTURING
COMPANY, a Partnership,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS,
an Unincorporated Association,
ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

AUG 12 1953

ALICE J. DYCK, Register

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
SOUTHERN DISTRICT OF ALABAMA

MOBILE 10, ALABAMA

November 26, 1951.

Mrs. Alice J. Duck, Clerk,
Circuit Court of Baldwin County,
Bay Minette, Alabama.

Dear Mrs. Duck:

In Re: BACON-McMILLAN MANUFACTURING
COMPANY, a Partnership, etc.
Vs. UNION CONSTRUCTION WORKERS,
an unincorporated association,
et als, Civil Action No. 1061.

Please let us have a bill for your
costs in the above styled case.

Very truly yours,

SARAH G. GRIFFIN, ACTING CLERK,

By *Minnie Pearl Cox*

Deputy Clerk.

TAZEWELL T. SHEPARD
~~JOHN F. BROWN~~

CLERK

SARAH G. GRIFFIN

CHIEF DEPUTY CLERK

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK

SOUTHERN DISTRICT OF ALABAMA

MOBILE 10, ALABAMA

January 8, 1952.

Mrs. Alice J. Duck, Clerk,
Circuit Court of Baldwin County,
Bay Minette, Alabama.

Dear Mrs. Duck:

IN RE: BACON-McMILLAN MANUFACTURING
COMPANY, a Partnership, etc.
vs. UNITED CONSTRUCTION WORKERS,
an unincorporated association,
et als, Civil Action No. 1061.

Pursuant to order entered in this court on
the 4th day of January, 1952, I am enclosing herewith
a true and full copy of the original Petition for Re-
moval from Circuit Court of Baldwin County, Alabama,
with Complaint, Summons and Writ of Injunction attached;
Motion of Plaintiffs to Remand; Order of Submission; and
Order of Court Remanding Cause to Circuit Court of Bald-
win County, Alabama, together with a Certificate stating
that the same is true and correct.

Yours very truly,

TTS/s
Encl.

TazeWell T. Shepard
TAZEWELL T. SHEPARD, CLERK.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION.

BACON-McMILLAN MANUFACTURING COMPANY, a Partnership as de- scribed below,)	
)	NO. 1061.
)	
Complainant,)	IN THE CIRCUIT COURT OF
)	
VS)	BALDWIN COUNTY, ALABAMA.
)	
UNION CONSTRUCTION WORKERS, an unincorporated association, etals.)	IN EQUITY.
)	
Respondents.)	

PETITION FOR REMOVAL FROM THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY TO THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION.

Petitioners, who have been made respondents in this Civil
proceeding in the Circuit Court of Baldwin County, Alabama, file
this their verified petition for removal to the District Court
of the United States and for cause show as follows:

1. This is a civil action or proceeding arising under an
Act of Congress regulating commerce in the United States.
2. The allegations of the complaint with respect to picket-
ing and with respect to the activities of complainants and re-
spondents shows that said proceeding involved a controversy af-
fecting interstate commerce within the meaning of the Labor-
Management Relations Act of 1947.
3. The complainants in the above styled cause are engaged
within the Southern Division of the Southern District of the
State of Alabama, in a business as described in the complaint,
affecting commerce within the meaning of the National Labor Re-
lations Act, as amended.

Copies of all process, pleadings and orders served upon the
respondents, your petitioners in the State court in the above
styled cause are attached hereto and made a part hereof. A copy
of the petition and bond filed in this court will be filed with

the Register of the Circuit Court of Baldwin County, Alabama,
sitting in Equity.

V. R. Jansen
Solicitor for Respondents

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned Notary Public, in and for said
County and State, personally appeared John L. Reano, who, being
by me first duly sworn, deposes and says that he is one of the
petitioners in the foregoing petition and is authorized to make
this affidavit on behalf of all the respondents in the State
Court and petitioners in this court and that the facts set out
in the foregoing petition are true.

John L. Reano

Sworn to and subscribed before me
this the 26th day of November, 1951.

B. R. Wilson, Jr.
NOTARY PUBLIC, MOBILE COUNTY, ALA.

The undersigned, as Attorney for the respondents and peti-
tioners herein, hereby certifies that he has served a copy of
the petition and bond for removal on J. B. Blackburn, Esquire,
attorney for the complainants, on this the 26th day of November,
1951.

V. R. Jansen
Attorney for Respondents.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

NOV 26 1951

SARAH G. GRIFFIN
ACTING CLERK

(1)

BACON-McMILLAN MANUFACTURING
COMPANY, a Partnership as described
below,

Complainant,

VS.

UNITED
UNION CONSTRUCTION WORKERS, an un-
incorporated association, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

U. S. District Court
Sou. Dist. of Ala.

Civil Action No. 1061.

WRIT OF INJUNCTION

STATE OF ALABAMA)

BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

We command you, that without delay you execute this writ and make due return how you have executed the same according to law.

Dated this 1st day of November, 1951.

Alice J. Duck

As Register of the Circuit Court of
Baldwin County, Alabama, Sitting in
Equity.

TO: 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 L. REANO, as an individual and as an officer and member of the said unions; RICHARD FARRIS, an officer or employee and member of the said unions; A. J. SEARCY, an officer or employee and member of the said unions; MARK GANEY; HENRY LEE HAMMOND; CLINTON HAMMOND; N. H. ALLEN; DOUGALD HARVILL; HILARY HARVILL; HENRY STEPHENS; ARTHUR STEPHENS; BUFORD BROWN; LESLIE BROWN; LINDSEY WHATLEY; JESSE EMANUEL; ISHMEAL COOK; PRESTON FERRELL; ROOSEVELT JOHNSON; THEODORE STEVENS; EUNICE STEVENS; CLEO EVANS; DOC JOHNSON; WAYMAN WILLIAMS; CHARLIE HARVEY; LEO CLARK; BRADFORD PORTER; ED CULPEPPER; HARTFORD EDWARDS; S. T. EDWARDS; A. G. HILL; EVANS HENRY; J. W. HENRY; WILLIE HARVEY; COUNCIL JACKSON; ROBERT ELLIS JAMES; LEE A. MYLES; DAVID STEVENS; WILLIE SANDERS; JAMES W. SMITH; HAMILTON WASHINGTON; JAMES WILLIAMS; BRADFORD WILLIAMS; ADELINE YOUNG; EDDIE LEE ANDREWS; NELSON COBB and HENDERSON FIELDS.

WHEREAS, Bacon-McMillan Manufacturing Company, a partnership composed of Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner DaPonte, Mary D. Frazer, Mell A. Frazer, Annie McMillan Hastie, Ben F. Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan, and Raymond N. McMillan, has this day filed its Bill of Complaint in the Circuit Court of Baldwin County, Alabama, Equity Side, against the parties shown above, praying, among other things, that a temporary injunction or restraining order be issued, restraining each and all of you as follows:

A. From using force, threats, intimidations or other unlawful means to prevent complainant from engaging in its lawful occupation or business.

B. In any way hindering, delaying or preventing complainant from carrying on its business, except by peaceful picketing or persuasion as limited below.

C. From interfering or threatening to interfere with any person attempting to enter or leave the property or plant of the complainant except by peaceful picketing and peaceful persuasion as limited below.

D. From interfering with any employee or complainant at complainant's place of business in this county or elsewhere, or any person performing for complainant any duties of employment.

E. From threatening to interfere with any employee of complainant at complainant's plant or any of its operations in Baldwin County, Alabama, or elsewhere, either working for complainant or performing for complainant any duties of his employment.

F. From riotous, disorderly conduct and acts of violence committed or threatened to be committed in or around complainant's plant in Baldwin County, or elsewhere, against any of complainant's employees or any persons desiring to become employees of complainant or any person having business relationships or desiring to have business relationships with complainant.

G. From doing any acts of violence, threats or intimidations against any person or property in and around complainant's plant, mill quarters, at the homes of any of complainant's employees or elsewhere against complainant's employees or property, who are employed by complainant or who desire to have employment with complainant, or have or seek to have business relationships with complainant.

H. From engaging in any acts of violence or from making any threats or from engaging in or performing any acts or intimidation or threatening to do so, or from committing any breaches of the peace or from laying hands in anger on or any assault upon any person or using any defamatory language intending to bring about breaches of the peace, or from engaging in any acts of threatening to engage in any acts which would intend to bring about breaches of the peace or violations of the law.

I. From laying hands on or striking with any missile or instrument any vehicle in which complainant's employees, or those having or seeking to have business relationships with complainant, may be riding or from doing any of the said acts toward any motor vehicle in which any person seeking employment with complainant may be riding.

J. From following complainant's employees in automobiles as they go to and from work or elsewhere.

K. From using over six pickets at the one entrance to complainant's plant or premises, which said pickets shall be peaceful and shall be kept moving, so as to keep open for free ingress and egress the road and entrance to complainant's plant and properties at all times for all persons.

L. From conspiring together to do or perform any of the acts hereinabove enumerated.

M. From one or more persons standing or moving in the public highways so as to in any manner stop or delay any person using said highways.

N. From maintaining, or being a part of, any group of persons in the vicinity of the picket line above allowed:

AND, WHEREAS, the said Bill of Complaint being exhibited to the Honorable Telfair J. Mashburn, Jr., Judge of the Circuit Court of Baldwin County, Alabama, on this date, he did order that upon complainant's entering into bond with sufficient sureties in the sum of One Thousand Dollars (\$1,000.00) to be approved by the Register of this Court, payable and conditioned as provided by law, that a Writ of Injunction issue out of this court according to the prayer of the said bill; and,

WHEREAS, the said bond has been given and approved as required by the said order:

THESE, THEREFORE, ARE TO COMMAND AND STRICTLY ENJOIN YOU AND EACH OF YOU AS FOLLOWS:

A. From using force, threats, intimidations or other unlawful means to prevent complainant from engaging in its lawful occupation or business.

B. In any way hindering, delaying or preventing complainant from carrying on its business, except by peaceful picketing or persuasion as limited below.

C. From interfering or threatening to interfere with any person attempting to enter or leave the property or plant of the complainant, except by peaceful picketing and peaceful persuasion as limited below.

D. From interfering with any employee or complainant at complainant's place of business in this county or elsewhere, or any person performing for complainant any duties of employment.

E. From threatening to interfere with any employee of complainant at complainant's plant or any of its operations in Baldwin County, Alabama, or elsewhere, either working for complainant or performing for complainant any duties of his employment.

F. From riotous, disorderly conduct and acts of violence committed or threatened to be committed in or around complainant's plant in Baldwin County, or elsewhere, against any of complainant's employees or any persons desiring to become employees of complainant or any person having business relationships or desiring to have business relationships with complainant.

G. From doing any acts of violence, threats or intimidations against any person or property in and around complainant's plant, mill quarters, at the homes of any of complainant's employees or elsewhere against complainant's employees or property, who are employed by complainant or who desire to have employment with complainant, or have or seek to have business relationships with complainant.

H. From engaging in any acts of violence or from making any threats or from engaging in or performing any acts or intimidation or threatening to do so, or from committing any breaches of the peace or from laying hands in anger on or any assault upon any person or using any defamatory language intending to bring about breaches of the peace, or from engaging in any acts or threatening to engage in any acts which would intend to bring about breaches of the peace or violations of the law.

I. From laying hands on or striking with any missile or instrument any vehicle in which complainant's employees, or those having or seeking to have business relationships with complainant, may be riding or from doing any of the said acts toward any motor vehicle in which any person seeking employment with complainant may be riding.

J. From following complainant's employees in automobiles as they go to and from work or elsewhere.

K. From using over six pickets at the one entrance to complainant's plant or premises, which said pickets shall be peaceful and shall be kept moving, so as to keep open for free ingress and egress the road and entrance to complainant's plant and properties at all times for all persons.

L. From conspiring together to do or perform any of the acts hereinabove enumerated.

M. From one or more persons standing or moving in the public highways so as to in any manner stop or delay any person using said highways.

N. From maintaining, or being a part of, any group of persons in the vicinity of the picket line above allowed:

IN WITNESS WHEREOF, I have hereunto set my hand, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, on this the 1st day of November, 1951.

Alice J. Duck

As Register of the Circuit Court of
Baldwin County, Alabama, Sitting in
Equity.

U. S. DISTRICT COURT
SOU. DIST. ALA.

FILED IN CLERK'S OFFICE

NOV 26 1951

SARAH G. GRIFFIN

Acting Clerk

STATE OF ALABAMA)
)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon--

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 L. REANO, as an individual and as an officer and member of the said unions; RICHARD FARRIS, an officer or employee and member of the said unions; A. J. SEARCY, an officer or employee and member of the said unions; MARK GANEY; HENRY LEE HAMMOND; CLINTON HAMMOD; N. H. ALLEN; DOUGALD HARVILL; HILARY HARVILL; HENRY STEPHENS; ARTHUR STEPHENS; BUFORD BROWN; LESLIE BROWN; LINDSEY WHATLEY; JESSE EMANUEL; ISHMEAL COOK; PRESTON FERRELL; ROOSEVELT JOHNSON; THEODORE STEVENS; EUNICE STEVENS; CLEO EVANS; DOC JOHNSON; WAYMAN WILLIAMS; CHARLIE HARVEY; LEO CLARK; BRADFORD PORTER; ED CULPEPPER; HARTFORD EDWARDS; S. T. EDWARDS; A. G. HILL; EVANS HENRY; J. W. HENRY; WILLIE HARVEY; COUNCIL JACKSON; ROBERT ELLIS JAMES; LEE A. MYLES; DAVID STEVENS; WILLIE SANDERS; JAMES W. SMITH; HAMILTON WASHINGTON; JAMES WILLIAMS; BRADFORD WILLIAMS; ADELINE YOUNG; EDDIE LEE ANDREWS; NELSON COBB; and HENDERSON FIELDS,

to appear within thirty (30) days from the service of this writ in the Circuit Court of Baldwin County, Alabama, Equity Side, to be held for said County at the place of holding same, then and there to answer the Bill of Complaint filed against them by Bacon-McMillan Manufacturing Company, a Partnership, composed of Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner DaPonte, Mary D. Frazer, Mell A. Frazer, Annie McMillan Hastie, Ben F. Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan and Raymon N. McMillan.

WITNESS my hand this 1st day of November, 1951.

Alice J. Duck
As Register of the Circuit Court of
Baldwin County, Alabama, Sitting in
Equity.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

NOV 26 1951

SARAH G. GRIFFIN
Acting Clerk

BILL OF COMPLAINT

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Bacon-McMillan Manufacturing Company, a Partnership, composed of the partners hereinafter named, as complainant, presents this Bill of Complaint against 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 L. Reano, as an individual and as an officer and member of the said unions; Richard Farris, an officer or employee and member of the said unions; A. J. Searcy, an officer or employee and member of the said unions; Mark Ganey; Henry Lee Hammond; Clinton Hammond; N. H. Allen; Dougald Harvill; Hilary Harvill; Henry Stephens; Arthur Stephens; Buford Brown; Leslie Brown; Lindsey Whatley; Jesse Emanuel; Ishmeal Cook; Preston Ferrell; Roosevelt Johnson; Theodore Stevens; Eunice Stevens; Cleo Evans; Doc Johnson; Wayman Williams; Charlie Harvey; Leo Clark; Bradford Porter; Ed Culpepper; Hartford Edwards; S. T. Edwards; A. G. Hill; Evans Henry; J. W. Henry; Willie Harvey; Council Jackson; Robert Ellis James; Lee A. Myles; David Stevens; Willie Sanders; James W. Smith; Hamilton Washington; James Williams; Bradford Williams; Adeline Young; Eddie Lee Andrews; Nelson Cobb and Henderson Fields, and, thereupon, the complainant respectfully presents unto the Court and your Honor as follows:

1. The complainant, Bacon-McMillan Manufacturing Company, is a partnership composed of Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner Daponte, Mary D. Frazer, Mell A. Frazer, Annie McMillan Hastie, Ben F. Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan and Raymon N. McMillan, with its principal place of business at Stockton, Baldwin County, Alabama. All of the said partners are over twenty-one years of age and all of the said partners are residents of Baldwin County, Alabama, except Dorothy Danner Daponte, Mary D. Frazer, Mell A. Frazer and Ella P. McMillan, who are residents of Mobile County, Alabama.

The respondent, United Construction Workers, affiliated with the United Mine Workers of America, is an unincorporated association of individuals functioning as a labor union; United Mine Workers of America is an unincorporated association of individuals functioning as a labor union. John L. Reano is an officer and member of the said unions; Richard Farris is an officer or employee and a member of the said unions; A. J. Searcy is an officer or employee and a member of the said unions; The residence or post office address of the said John L. Reano, Richard Farris and A. J. Searcy is unknown to the complainant, but the said parties can be reached at the office of the said United Construction Workers, which is located, to-wit, at 352 St. Francis Street, Mobile, Alabama.

The respondents, Mark Ganey, Henry Lee Hammond, Clinton Hammond, N. H. Allen Dougald Harvill, Hilary Harvill, Henry Stephens, Arthur Stephens, Arthur Stephens, Buford Brown, Leslie Brown, Lindsey Whatley, Jesse Emanuel, Ishmeal Cook, Preston Ferrell, Roosevelt Johnson, Theodore Stevens, Eunice Stevens, Cleo Evans, Doc Johnson, Wayman Williams, Charlie Harvey, Leo Clark, Bradford Porter, Ed Culpepper, Hartford Edwards, S. T. Edwards, A. G. Hill, Evans Henry, J. W. Henry, Willie Harvey, Council Jackson, Robert Ellis James, Lee A. Myles, David Stevens, Willie Sanders, James W. Smith, Hamilton Washington, James Williams, Bradford Williams, Adeline Young, Eddie Lee Andrews, Nelson Cobb and Henderson Fields, are each residents of Baldwin County, Alabama.

Each of the individuals respondents named above is over twenty-one years of age.

2. The complainant, is now and was at the time of the matters and things hereinafter complained of, operating a veneer mill at Stockton in Baldwin County, Alabama where hardwood logs are cut into

veneer, which is sold by it and used for the purposes of making furniture and plywood. The complainant and those through whom it acquired the business which it now operates have been in the same business at the same location since 1909 and has, after long years of successful business operations, built up a number of customers who look to it to supply all or the greater part of their needs in veneer and as a result of long, continued and satisfied business dealings with its various customers and other parties, has built up a reputation in the veneer industry which constitutes what is known as "good will", and which is a most valuable asset of the said complainant. Complainant's investment in its said business is most substantial and the value thereof exceeds the sum of Two Hundred Thousand Dollars (\$200,000.00).

3. For some time prior to October 25, 1951, the said John L. Reano has attempted to persuade the complainant to recognize the United Construction Workers, affiliated with the United Mine Workers of America, an unincorporated association of individuals functioning as a labor union, as the bargaining agent for the complainant's employees, which the complainant has refused to do.

On October 25, 1951 a number of the individual respondents named above, who were employees of the complainant, did not report for work and congregated with other of said respondents in a large body at or near the place where the road, which leads into the complainant's plant at Stockton in Baldwin County, Alabama, intersects the old public road which runs from Stockton through what is known as Cottage Hill, to Bay Minette. This action on the part of the said respondents, or a large part of them, has continued from the morning of October 25, 1951 to this date. During a part of the time they congregated and trespass on private property which belongs to Bacon-McMillan Veneer Company, a Corporation, or to other persons, without permission of the said owners and have prepared and served meals thereon.

On Thursday afternoon, October 25, 1951, the respondent, Roosevelt Johnson, went to the home of Joe Robinson, Jr., who is one of complainant's employees and whose home is in the mill quarters of the complainant on property leased by the complainant from Bacon-McMillan Veneer Company, a Corporation, and at the said time and place told the wife of Joe Robinson, Jr., to tell him not to go into that mill.

On, to-wit, October 25, 1951, a white man whose name is unknown to the complainant, but which complainant alleges on information and belief to be the respondent, Richard Farris or the respondent, A.J. Searcy, told Joe Robinson, Jr., one of the complainant's employees, not to go into the mill.

On Thursday night, October 25, 1951, Roosevelt Johnson, Doc Johnson and J. W. Henry, three of the respondents named in this suit, went to the home of Dan Allen, who is one of the complainant's employees and whose home is in the mill quarters of the complainant on land leased by it from the Bacon-McMillan Veneer Company, a Corporation and while at Dan Allen's home and in the presence of Dan Allen, his wife and boy, J. W. Henry said, in the presence of the said respondents, Roosevelt Johnson and Doc Johnson, that "the head union man had sent them there" and at the said time and place the said Roosevelt Johnson said that "they had orders to come there and that if he (Dan Allen) went to the mill tomorrow he wouldn't come out".

At the said time and place, while the said parties were present, the respondent, Doc Johnson, stated, in substance, that "only one thing had them held up: Mr. Mac (Mr. McInnis) wouldn't sign the papers and as long as any of them went into the mill they wouldn't get a union."

On October 25, 1951 the respondent, Roosevelt Johnson, went to the house of Willie Thomas, who is one of complainant's employees, and while there the said Roosevelt Johnson stated that he had orders from the union man to tell Willie Thomas to stay away from the mill.

On, to-wit, October 29, 1951, the said Willie Thomas was stopped in the public road at a point between complainant's mill and L. D. Thompson's store by the respondent, Mark Ganey, who told him that he

had better not go back on the job.

On Friday morning, October 26, 1951, around 3:30 o'clock A.M., the respondent, Roosevelt Johnson, went to the home of Ed Crockett, who is one of complainant's employees, whose home is situated in what is known as Vaughn's Settlement, and went up on the porch of the said house. While there the said respondent, Roosevelt Johnson, told Ed Crockett that Willie Mayes, who is one of the complainant's employees, was going to get killed and that if he (Ed Crockett) went to work something would happen to him.

On Friday night, October 26, 1951, Sam James, who is one of complainant's employees and who lives in what is known as Vaughn's Settlement near Stockton, Alabama, went to what is known as the "Luck's Maid Tea Room", which is a colored establishment near his home, on personal business and when he left there and while returning to his home, he was attacked at a point approximately one hundred yards from the public road by three men, the identity of whom is not known, at which time and place the said three men beat him with sticks on his neck and back.

On Monday, October 29, 1951, at or near the point where the road to complainant's plant intersects the public road leading from Stockton to Bay Minette, which runs through what is known as Cottage Hill, the respondent, Dougald Harvill, stated in the presence of a number of parties who were there that they should run into or turn over John Payne's car. John Payne is one of complainant's employees and is the same person as the John Payne hereinafter referred to.

On Wednesday afternoon, October 31, 1951, John Payne, one of complainant's employees completed his day's work and while driving his automobile from the complainant's plant down the old public road to what is known as Cottage Hill, he was followed by the respondent, Mark Ganey, to a point which is known as the Double Bridges, and at said point, while the said John Payne was driving his automobile at a high rate of speed in an effort to get away from the respondent, Mark Ganey, the said Mark Ganey ran his automobile into or against the automobile of the said John Payne on several occasions and injured the said John Payne.

On the night of October 31, 1951 around 8:00 or 9:00 o'clock P.M., a person or persons whose names are unknown, went to the home of August Bercant, who is one of the complainant's employees, and shot at or into his home three times, at least one of which hit the house.

On the night of October 31, 1951 a person or persons whose names are to the complainant unknown, went near the house of Walter Lewis, which house is situated in what is known as Vaughn's Settlement near Stockton, Alabama, and near what is known as the Luck's Maid Tea Room, and shot into the house one time with a shot gun. A number of the shot from the said gun struck the house of the said Walter Lewis near the top of one of the doors and broke the glass in the door.

4. Complainant further alleges that the respondents, together with those others whose names are unknown but which will be supplied when ascertained, the powers of equity being necessary for the purpose of such ascertainment, entered into a conspiracy, agreement or understanding for the purpose of preventing the complainant from carrying on its aforesaid business; entered into a conspiracy to use force, threats intimidation or other unlawful means to prevent the complainant from engaging in its lawful business and entered into a conspiracy to use force, threats, intimidation or other unlawful means to prevent the complainant's employees from engaging in their lawful vocation.

5. The said acts of the respondents, as enumerated above, are unlawful and in violation of Title 26, Section 384 of the Code of Alabama, which 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."

The acts of the respondent in unlawfully assembling near complainant's plant and in the commission of the acts enumerated are in violation of Title 26, Section 385 of the Code of Alabama, 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."

PRAYER FOR PROCESS

Complainant prays that the Court will take jurisdiction of this Bill of Complaint and that the usual process of this Honorable Court will forthwith issue to the respondents, requiring them to appear and answer, demur or plead to the Bill of Complaint within the time and under the pains and penalties prescribed by law.

PRAYER FOR RELIEF

Complainant prays for the following separate and several relief:

1. That there be issued immediately a restraining order or temporary writ of injunction restraining the respondents from committing the following acts:

A. From using force, threats, intimidation or other unlawful means to prevent complainant from engaging in its lawful occupation or business.

B. In any way hindering, delaying or preventing complainant from carrying on its business, except by peaceful picketing or persuasion as limited below.

C. From interfering or threatening to interfere with any person attempting to enter or leave the property or plant of the complainant, except by peaceful picketing and peaceful persuasion as limited below.

D. From interfering with any employee of complainant at complainant's place of business in this county or elsewhere, or any person performing for complainant any duties of employment.

E. From threatening to interfere with any employee of complainant at complainant's plant or any of its operations in Baldwin County, Alabama, or elsewhere, either working for complainant or performing for complainant any duties of his employment.

F. From riotous, disorderly conduct and acts of violence committed or threatened to be committed in or around complainant's plant in Baldwin County, or elsewhere, against any of complainant's employees or any persons desiring to become employees of complainant or any person having business relationships or desiring to have business relationships with complainant.

G. From doing any acts of violence, threats or intimidations against any person or property in and around complainant's plant, mill quarters, as the homes of any of complainant's employees or elsewhere against complainant's employees or property, who are employed by complainant or who desire to have employment with complainant, or have or seek to have business relationships with complainant.

H. From engaging in any acts of violence or from making any threats or from engaging in or performing any acts of intimidation or threatening to do so, or from committing any breaches of the peace or from laying hands in anger on or any assault upon any person or using any defamatory language intending to bring about breaches of the peace, or from engaging in any acts or threatening to engage in any acts which would intend to bring about breaches or violations of the law.

I. From laying hands on or striking with any missile or instrument any vehicle in which complainant's employees, or those having or seeking to have business relationships with complainant, may be riding, or from doing any of the said acts towards any motor vehicle in which any person seeking employment with complainant may be riding.

J. From following complainant's employees in automobiles as they go to and from work or elsewhere.

K. From using over six pickets at the one entrance to complainant's plant or premises, which said pickets shall be peaceful and shall be kept moving, so as to keep open for free ingress and egress the road and entrance to complainant's plant and properties at all times for all persons.

L. From conspiring together to do or perform any of the acts hereinabove enumerated.

M. From one or more persons standing or moving in the public highways so as to in any manner stop or delay any persons using said highways.

N. From maintaining, or being a part of, any group of persons in the vicinity of the picket line above allowed.

2. That on a final hearing of this cause the temporary restraining order or injunction be made permanent.

3. Complainant further prays for such other, further and general relief as it may be equitably entitled to, the premises considered.

J. B. Blackburn
Solicitor for Complainant

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared NORMAN M. McINNIS, JR., who, after being by me first duly and legally sworn, deposes and says: That he is General Manager and a member of the firm of Bacon-McMillan Manufacturing Company, a Partnership composed of the parties named in the foregoing Bill of Complaint; that he has read over the said Bill of Complaint and that the facts stated therein are true.

(Signed) NORMAN M. McINNIS, Jr.

Sworn to and subscribed before me on this the 1st day of November, 1951.

(Signed) MARY LOU BLACKBURN, Notary Public
Baldwin County, Alabama.

FIAT

STATE OF ALABAMA)
BALDWIN COUNTY)

This cause being submitted to the Court upon application of the complainant for a temporary Writ of Injunction as prayed for in the original Bill of Complaint filed in this cause, and upon consideration thereof, the Court is of the opinion that the same should be granted:

It is, therefore, Ordered, Adjudged and Decreed by the Court that upon the complainant entering into a good and sufficient bond, conditioned as provided by law, in the sum of \$1000.00, to be approved by the Register of this Court, that the Register of this Court issue

a temporary Writ of Injunction as prayed for in the said Bill of Complaint filed in this cause.

ORDERED AND DONE on this the 1st day of November, 1951.

(Signed) TELFAIR J. MASHBURN, Jr., Judge
of the Circuit Court of Baldwin County,
Alabama, in Equity.

U. S. DISTRICT COURT
SOU. DIST. ALA.
FILED IN CLERK'S OFFICE

NOV 26 1951

SARAH G. GRIFFIN

Acting Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BACON-McMILLAN MANUFACTURING)	
COMPANY, a Partnership com-)	
posed of the partners herein-)	
after named,)	
)	
Complainant,)	CIVIL ACTION NO. 1061
)	
VS.)	
)	
UNITED CONSTRUCTION WORKERS,)	
ET AL,)	
)	
Respondents.)	

MOTION TO REMAND

Comes Bacon-McMillan Manufacturing Company, a Partnership, composed of Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner DaPonte, Mary D. Frazer, Mell A. Frazer, Annie McMillan Hastie, Ben F. Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan and Raymond N. McMillan, the complainant in the above styled cause, appearing specially and not waiving its objection to the jurisdiction of this Court, and moves the Court to remand the said suit to the Circuit Court of the Twenty-eighth Judicial Circuit of Alabama, in Equity, the court from which it was removed to this Court, and for grounds for this Motion it assigns, separately and severally and jointly the following separate, several and joint grounds:

1. There is no federal question involved.
2. It affirmatively appears from the record that this Court is without jurisdiction to proceed in this cause.
3. In considering the question of the removal vel non of this suit from the state court to this court, this Court is without authority to consider this case because it is not a suit of a civil nature at law or in equity arising under the Constitution or laws of the United States or treaties made under their authority, of which this Court is given original jurisdiction.
4. It affirmatively appears from the record that said

suit is not one of a civil nature arising under the Constitution and laws of the United States.

5. It affirmatively appears from the record that there is substantial doubt as to the jurisdiction of this Court of this suit.

6. It affirmatively appears from the record that such suit does not really and substantially involve a dispute or controversy properly within the jurisdiction of this Court.

7. It does not appear from the record in this case that this is a suit and proceeding arising under a law regulating commerce of which this Court has original jurisdiction.

8. It affirmatively appears from the record that this is not a suit and proceeding arising under a law regulating commerce of which this Court has original jurisdiction.

9. It does not appear that this suit arises under a law of the United States regulating commerce, the National Labor Relations Act and the amendment thereto, the Labor Management Relations Act of 1947.

10. It affirmatively appears that this suit does not arise under a law of the United States regulating commerce, the National Labor Relations Act and the amendment thereto, the Labor Relations Management Act of 1947.

11. It affirmatively appears that under the statutes of Alabama and the decisions of the Supreme Court of Alabama, the state court had jurisdiction over said suit and the right to issue the temporary injunction and the permanent injunction therein prayed for.

12. It affirmatively appears that this Court is expressly denied by statute the right or authority to issue the injunction as prayed for in this suit and it affirmatively appears that the state court has authority to issue said injunction.

13. It affirmatively appears that if any federal question is presented by the record in this case, it is not directly presented but is merely collateral.

14. It does not appear that there is involved in this suit any cause of action of which this Court has original jurisdiction.

15. It affirmatively appears from the record that the effect of this Court taking jurisdiction would be to deprive the state court of its jurisdiction under state laws, although this Court is without original jurisdiction over said suit and would thereby destroy the right of the State of Alabama to proceed in accordance with its laws.

16. It affirmatively appears from the record in this case that if it should appear that defendants' right or immunities under the Constitution are in any way affected or damaged by the rulings of the state court, the defendants have an adequate remedy by appeal and by writs of certiorari issued out of the Supreme Court of the United States to protect such rights.

17. It affirmatively appears from the record that the equitable relief sought in this suit is beyond the equitable jurisdiction of this Court but within the equitable jurisdiction of the state court.

18. For that the petition for removal fails to allege that the cause of action which was being removed was one over which the United States District Court had jurisdiction.

19. For that the petition for removal does not aver facts sufficient to support such petition.

20. It affirmatively appears that the allegations contained in defendants' petition for removal of this suit from the state court into this court insofar as they attempt to set forth the alleged grounds as a basis for such removal are mere conclusions of the pleader and are not supported by the record in the case as set up by the state court.

21. It affirmatively appears that the petition for removal as filed by defendants is unverified.

22. Defendants have failed to comply with all the statu-

tory requirements necessary to be met in to remove this cause from the state court to this Court.

Plaintiff respectfully requests the Court to enter an order upon presentation hereof setting this motion for hearing upon five days written notice in accordance with Rule 6(d) of the Rules of Civil Procedure and requests that said hearing be held at 10:00 o'clock A.M., December 12, 1951.

J. B. Blackburn

J. B. Blackburn,
Attorney for Complainant Appearing
Specially.

Address:

Post Office Drawer 59
Bay Minette, Alabama

STATE OF ALABAMA)

*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for the State of Alabama at Large, personally appeared J. B. BLACKBURN, who, after being by me first duly and legally sworn, deposes and says: That he is attorney for the complainant in this suit and as such attorney has charge as trial attorney of this suit; that the facts stated above are either known to him as facts, or he has received reliable information thereof and believes such information, and on such information and belief deposes that said facts are true.

J. B. Blackburn

Sworn to and subscribed before me on
this the 4th day of December, 1951.

Thomas Brooks Jones

Notary Public, State of Alabama at Large.

(SEAL)

CERTIFICATE AS TO SERVICE

The undersigned, as the attorney for the complainant, hereby certifies that he has served a copy of the foregoing Motion to Remand upon V. R. Jansen, Esquire, attorney for the respondents, on this the 4th day of December, 1951.

J. B. Blackburn

J. B. Blackburn.

ACCEPTANCE OF SERVICE AND WAIVER OF NOTICE

The undersigned, as attorney for the respondents, hereby accepts service of a copy of the foregoing Motion, waives further notice thereof and consents and agrees that the said motion be set for hearing and heard at 10:00 o'clock A. M. on December 12, 1951.

Vernol R. Jansen

V. R. Jansen.

U. S. DISTRICT COURT
SOU. DIST. ALA
FILED IN CLERK'S OFFICE

DEC 4 1951

TAZEWELL T. SHEPARD, CLERK

By: Dorothy Pettis
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF ALABAMA, SOUTHERN DIVISION.

TUESDAY, DECEMBER 11TH, A. D. 1951.

BACON-McMILLAN MANUFACTURING)	
COMPANY, a Partnership composed)	
of the partners hereinafter)	CIVIL ACTION
named,)	NO. 1061.
)	
Complainant,)	
)	
VERSUS)	ORDER OF SUBMISSION, ETC.
)	
UNITED CONSTRUCTION WORKERS,)	
ET AL,)	
)	
Respondents.)	

This cause comes on to be heard on the motion of the Complainant to remand the proceeding to the Circuit Court of Baldwin County, Alabama.

With the consent of the Court, it was agreed by the parties hereto in open Court that the complaint be amended in red ink to show the proper name of the Respondent to be "United" Construction Workers rather than "Union" Construction Workers as shown in the original complaint.

Arguments by Honorable Vernol R. Jansen for the Defendant and Honorable J. B. Blackburn for the Plaintiff are heard, and the motion taken under submission by the Court, with leave to the parties to file briefs herein.

CIVIL ORDER BOOK "5"

Page No. 753.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF ALABAMA, SOUTHERN DIVISION

BACON McMILLAN MANUFACTURING)
COMPANY, a Partnership composed)
of the partners hereinafter)
named,)

Complainant,)

VERSUS)

UNITED CONSTRUCTION WORKERS,)
ET AL,)

Respondents.)

CIVIL ACTION
NO. 1061.

This cause came on to be heard on the 11th day of December, 1951, on the motion of the complainant to remand said cause to the Circuit Court of Baldwin County, Alabama, from whence it came. After arguments in open court the cause was taken under submission, awaiting the filing of briefs. And now, after further study and consideration, the Court is of the opinion that said cause should be remanded in accordance with Section 1447(c), Title 28, United States Code, and it is the duty of this court to remand the cause to the State Court; it is therefore

ORDERED, ADJUDGED and DECREED that this cause be and the same is REMANDED, and the Clerk of this court is hereby directed to furnish a certified copy of this order, together with all the pleadings filed in this cause, to the Clerk of the Circuit Court of Baldwin County, Alabama, from which court the cause was improvidently removed.

It is further ORDERED that the costs incurred in this court be and the same are hereby assessed against and ordered to be paid by the respondents, for which let execution issue.

DONE at Mobile, Alabama, this 4th day of January, A.D. 1952.

Daniel H. Thomas
U. S. District Judge

FILED AND ENTERED THIS THE
4th DAY OF January A.D.
1952.

TAZEWELL T. SHEPARD, CLERK

By Mary E. Searcy
Steno.

United States of America

ss:

SOUTHERN DISTRICT OF ALABAMA

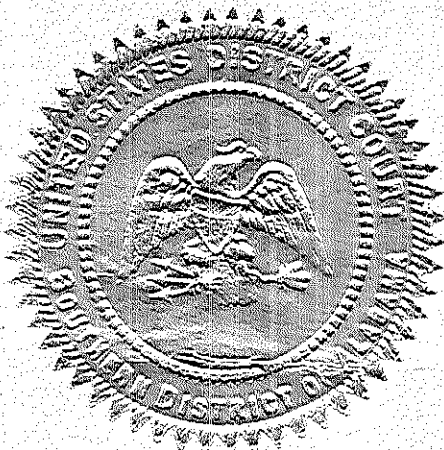
I, TAZEWELL T. SHEPARD, Clerk of the United States District Court in and for the SOUTHERN District of ALABAMA, do hereby certify that the annexed and foregoing is a true and full copy of the original Petition for Removal from Circuit Court of Baldwin County, Alabama, with Complaint, Summons and Writ of Injunction attached; Motion of Plaintiffs to Remand; Order of Submission; and Order of Court Remanding Cause to Circuit Court of Baldwin County, Alabama,

now remaining among the records of the said Court in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and

affixed the seal of the aforesaid Court at Mobile, Alabama

this 8th day of January, A. D. 1952



TazeWell T. Shepard
TAZEWELL T. SHEPARD Clerk.

By _____ Deputy Clerk.

BACON-McMILLAN MANUFACTURING)
 COMPANY, a Partnership,)
 VS. Complainant,)
 UNITED CONSTRUCTION WORKERS,)
 ET AL,)
 Respondents.)

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY

INJUNCTION BOND

STATE OF ALABAMA)
 *
 BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That Bacon-McMillan Manufacturing Company, a Partnership, composed of Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner DaPonte, Mary D. Frazer, Mell A. Frazer, Annie McMillan Hastie, Ben F. Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan and Raymond N. McMillan, and the Fidelity and Casualty Company of New York, a Corporation, are held and firmly bound unto 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 L. Reano, as an individual and as an officer and member of the said unions; Richard Farris, an officer or employee and member of the said unions; A. J. Searcy, an officer or employee and member of the said unions; Mark Ganey; Henry Lee Hammond; Clinton Hammond; N. H. Allen; Dougald Harvill; Hilary Harvill; Henry Stephens; Arthur Stephens; Buford Brown; Leslie Brown; Lindsey Whatley; Jesse Emanuel; Ishmeal Cook; Preston Ferrell; Roosevelt Johnson; Theodore Stevens; Eunice Stevens; Cleo Evans; Doc Johnson; Wayman Williams; Charlie Harvey; Leo Clark; Bradford Porter; Ed Culpepper; Hartford Edwards; S. T. Edwards; A. G. Hill; Evans Henry; J. W. Henry; Willie Harvey; Council Jackson; Robert Ellis James; Lee A. Myles; David Stevens; Willie Sanders; James W. Smith; Hamilton Washington; James Williams; Bradford Williams; Adeline Young; Eddie Lee Andrews; Nelson Cobb and Henderson

Fields, the respondents named in the Bill of Complaint filed in this cause, in the sum of)One Thousand Dollars (\$1,000.00), for the payment of which the principal and sureties bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.

The condition of this bond is as follows:

THAT, WHEREAS, the above bounden Bacon-McMillan Manufacturing Company, a Partnership, composed of the parties named above, has, on a Bill of Complaint filed by it on this date against the respondents named therein, who are the parties named above, prayed for and obtained a Writ of Injunction out of the Circuit Court of Baldwin County, Alabama, Equity Side, upon approval of this bond, restraining and enjoining the said respondents as follows:

A. From using force, threats, intimidations or other unlawful means to prevent complainant from engaging in its lawful occupation or business.

B. In any way hindering, delaying or preventing complainant from carrying on its business, except by peaceful picketing or persuasion as limited below.

C. From interfering or threatening to interfere with any person attempting to enter or leave the property or plant of the complainant, except by peaceful picketing and peaceful persuasion as limited below.

D. From interfering with any employee of complainant at complainant's place of business in this county or elsewhere, or any person performing for complainant any duties of employment.

E. From threatening to interfere with any employee of complainant at complainant's plant or any of its operations in Baldwin County, Alabama, or elsewhere, either working for complainant or performing for complainant any duties of his employment.

F. From riotous, disorderly conduct and acts of violence committed or threatened to be committed in or around complainant's plant in Baldwin County, or elsewhere, against any of complainant's employees or any persons desiring to become employees of complainant or any person having business relationships or desiring to have business relationships with complainant.

G. From doing any acts of violence, threats or intimidations against any person or property in and around complainant's plant, mill quarters, at the homes of any of complainant's employees or elsewhere against complainant's employees or property, who are employed by complainant or who desire to have employment with complainant, or have or seek to have business relationships with complainant.

H. From engaging in any acts of violence or from making any threats or from engaging in or performing any acts of intimidation or threatening to do so, or from committing any breaches of the peace or from laying hands in anger on or any assault upon any person or using any defamatory language intending to bring about breaches of the peace, or from engaging in any acts or threatening to engage in any acts which would intend to bring about breaches of the peace or violations of the law.

I. From laying hands on or striking with any missile or instrument any vehicle in which complainant's employees, or those having or seeking to have business relationships with complainant, may be riding, or from doing any of the said acts towards any motor vehicle in which any person seeking employment with complainant may be riding.

J. From following complainant's employees in automobiles as they go to and from work or elsewhere,

K. From using over six pickets at the one entrance to complainant's plant or premises, which said pickets shall be peaceful and shall be kept moving, so as to keep open for free ingress and egress the road and entrance to complainant's plant and properties at all times for all persons.

L. From conspiring together to do or perform any of the acts hereinabove enumerated.

M. From one or more persons standing or moving in the public highways so as to in any manner stop or delay any person using said highways.

N. From maintaining, or being a part of, any group of persons in the vicinity of the picket line above allowed.

NOW, if the said Bacon-McMillan Manufacturing Company, a Partnership, composed of the parties named above, shall pay all costs and damages which any person may sustain by the issuing out of such injunction, if the same be dissolved, then the above obligation shall be null and void; otherwise, to remain in full force and effect.

WITNESS our hands and seals on this the 1st day of November, 1951.

BACON-McMILLAN MANUFACTURING COMPANY,
A Partnership as aforesaid, (SEAL)

By T. Omar N. Moseley

As its General Manager and a member
of the said firm.

FIDELITY AND CASUALTY COMPANY OF NEW
YORK, a Corporation, (SEAL)

By Chas. H. Brynner & Co.

As its Attorney in Fact.

Filed, taken and approved on this
the 1st day of November, 1951.

Alice J. Duck
As Register of the Circuit Court
of Baldwin County, Alabama, in
Equity.

FILED

11-1-51

ALICE J. DUCK, Register

Original

BACON - McMILLAN MANUFACTURING
COMPANY, a Partnership, as described
below,

Complainant,

VS.

UNION CONSTRUCTION WORKERS, an
unincorporated association, ET AL,

Respondents.

In the Circuit Court of
Baldwin County, Alabama
In Equity

Writ of Injunction

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

We command you, that without delay you execute this writ and make due return how you have executed the same according to law.

Dated this 22nd day of November, 1951.

W. J. H. H. H.
As Register of the Circuit Court of Baldwin County,
Alabama, Sitting in Equity.

TO: 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 L. REANO, as an individual and as an officer and member of the said unions; RICHARD FARRIS, an officer or employee and member of the said unions; A. J. SEARCY, an officer or employee and member of the said unions; MARK GANEY; HENRY LEE HAMMOND; CLINTON HAMMOND; N. H. ALLEN; DOUGALD HARVILL; HILARY HARVILL; HENRY STEPHENS; ARTHUR STEPHENS; BUFORD BROWN; LESLIE BROWN; LINDSEY WHATLEY; JESSE EMANUEL; ISHMEAL COOK; PRESTON FERRELL; ROOSEVELT JOHNSON; THEODORE STEVENS; EUNICE STEVENS; CLEO EVANS; DOC JOHNSON; WAYMAN WILLIAMS; CHARLIE HARVEY; LEO CLARK; BRADFORD PORTER; ED CULPEPPER; HARTFORD EDWARDS; S. T. EDWARDS; A. G. HILL; EVANS HENRY; J. W. HENRY; WILLIE HARVEY; COUNCIL JACKSON; ROBERT ELLIS JAMES; LEE A. MYLES; DAVID STEVENS; WILLIE SANDERS; JAMES W. SMITH; HAMILTON WASHINGTON; JAMES WILLIAMS; BRADFORD WILLIAMS; ADELINE YOUNG; EDDIE LEE ANDREWS; NELSON COBB and HENDERSON FIELDS.

WHEREAS, Bacon-McMillan Manufacturing Company, a partnership composed of Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner DaPonte, Mary D. Frazer, Mell A. Frazer, Annie McMillan Hastie, Ben F. Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan, and Raymond N. McMillan, has this day filed its Bill of Complaint in the Circuit Court of Baldwin County, Alabama, Equity Side, against the parties shown above, praying, among other things, that a temporary injunction or restraining order be issued, restraining each and all of you as follows:

A. From using force, threats, intimidations or other unlawful means to prevent complainant from engaging in its lawful occupation or business.

B. In any way hindering, delaying or preventing complainant from carrying on its business, except by peaceful picketing or persuasion as limited below.

C. From interfering or threatening to interfere with any person attempting to enter or leave the property or plant of the complainant, except by peaceful picketing and peaceful persuasion as limited below.

D. From interfering with any employee or complainant at complainant's place of business in this county or elsewhere, or any person performing for complainant any duties of employment.

E. From threatening to interfere with any employee of complainant at complainant's plant or any of its operations in Baldwin County, Alabama, or elsewhere, either working for complainant or performing for complainant any duties of his employment.

F. From riotous, disorderly conduct and acts of violence committed or threatened to be committed in or around complainant's plant in Baldwin County, or elsewhere, against any of complainant's employees or any persons desiring to become employees of complainant or any person having business relationships or desiring to have business relationships with complainant.

G. From doing any acts of violence, threats or intimidations against any person or property in and around complainant's plant, mill quarters, at the homes of any of complainant's employees or elsewhere against complainant's employees or property, who are employed by complainant or who desire to have employment with complainant, or have or seek to have business relationships with complainant.

H. From engaging in any acts of violence or from making any threats or from engaging in or performing any acts or intimidation or threatening to do so, or from committing any breaches of the peace or from laying hands in anger on or any assault upon any person or using any defamatory language intending to bring about breaches of the peace, or from engaging in any acts or threatening to engage in any acts which would intend to bring about breaches of the peace or violations of the law.

I. From laying hands on or striking with any missile or instrument any vehicle in which complainant's employees, or those having or seeking to have business relationships with complainant, may be riding or from doing any of the said acts toward any motor vehicle in which any person seeking employment with complainant may be riding.

J. From following complainant's employees in automobiles as they go to and from work or elsewhere.

K. From using over six pickets at the one entrance to complainant's plant or premises, which said pickets shall be peaceful and shall be kept moving, so as to keep open for free ingress and egress the road and entrance to complainant's plant and properties at all times for all persons.

L. From conspiring together to do or perform any of the acts hereinabove enumerated.

M. From one or more persons standing or moving in the public highways so as to in any manner stop or delay any person using said highways.

N. From maintaining, or being a part of, any group of persons in the vicinity of the picket line above allowed:

AND, WHEREAS, the said Bill of Complaint being exhibited to the Honorable Telfair J. Mashburn, Jr., Judge of the Circuit Court of Baldwin County, Alabama, on this date, he did order that upon complainant's entering into bond with sufficient sureties in the sum of One Thousand Dollars (\$1,000.00) to be approved by the Register of this court, payable and conditioned as provided by law, that a Writ of Injunction issue out of this court according to the prayer of the said bill; and,

WHEREAS, the said bond has been given and approved as required by the said order:

THESE, THEREFORE, ARE TO COMMAND AND STRICTLY ENJOIN YOU AND EACH OF YOU AS FOLLOWS:

A. From using force, threats, intimidations or other unlawful means to prevent complainant from engaging in its lawful occupation or business.

B. In any way hindering, delaying or preventing complainant from carrying on its business, except by peaceful picketing or persuasion as limited below.

C. From interfering or threatening to interfere with any person attempting to enter or leave the property or plant of the complainant, except by peaceful picketing and peaceful persuasion as limited below.

D. From interfering with any employee or complainant at complainant's place of business in this county or elsewhere, or any person performing for complainant any duties of employment.

E. From threatening to interfere with any employee of complainant at complainant's plant or any of its operations in Baldwin County, Alabama, or elsewhere, either working for complainant or performing for complainant any duties of his employment.

F. From riotous, disorderly conduct and acts of violence committed or threatened to be committed in or around complainant's plant in Baldwin County, or elsewhere, against any of complainant's employees or any persons desiring to become employees of complainant or any person having business relationships or desiring to have business relationships with complainant.

G. From doing any acts of violence, threats or intimidations against any person or property in and around complainant's plant, mill quarters, at the homes of any of complainant's employees or elsewhere against complainant's employees or property, who are employed by complainant or who desire to have employment with complainant, or have or seek to have business relationships with complainant.

H. From engaging in any acts of violence or from making any threats or from engaging in or performing any acts or intimidation or threatening to do so, or from committing any breaches of the peace or from laying hands in anger on or any assault upon any person or using any defamatory language intending to bring about breaches of the peace, or from engaging in any acts or threatening to engage in any acts which would intend to bring about breaches of the peace or violations of the law.

I. From laying hands on or striking with any missile or instrument any vehicle in which complainant's employees, or those having or seeking to have business relationships with complainant, may be riding or from doing any of the said acts toward any motor vehicle in which any person seeking employment with complainant may be riding.

J. From following complainant's employees in automobiles as they go to and from work or elsewhere.

K. From using over six pickets at the one entrance to complainant's plant or premises, which said pickets shall be peaceful and shall be kept moving, so as to keep open for free ingress and egress the road and entrance to complainant's plant and properties at all times for all persons.

L. From conspiring together to do or perform any of the acts hereinabove enumerated.

M. From one or more persons standing or moving in the public highways so as to in any manner stop or delay any person using said highways.

N. From maintaining, or being a part of, any group of persons in the vicinity of the picket line above allowed:

IN WITNESS WHEREOF, I have hereunto set my hand, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, on this the 12th day of November, 1951.


As Register of the Circuit Court of Baldwin County,
Alabama, Sitting in Equity.

3
5/22/87

[Handwritten signature]

5/14

County of San Diego State of California

I, John R. [unclear], Sheriff of the County of San Diego, State of California, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same appears from the records of the County of San Diego, State of California.

Received 13 Day of May 1987

and on 15 Day of May 1987

I served a copy of the within sub

on John R. [unclear]

by service on W. H. HOLCOMBE, Sheriff

By [Signature]

[Faint, illegible text]

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[Faint, illegible text]

STATE OF ALABAMA
BALDWIN COUNTY


TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon—

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 L. REANO, as an individual and as an officer and member of the said unions; RICHARD FARRIS, an officer or employee and member of the said unions; A. J. SEARCY, an officer or employee and member of the said unions; MARK CANEY, HENRY LEE HAMMOND, CLINTON HAMMOND, N. H. ALLEN, DOUGALD HARVILL, HILARY HARVILL, HENRY STEPHENS, ARTHUR STEPHENS, BUFORD BROWN, LESLIE BROWN, LINDSEY WHATLEY, JESSE EMANUEL, ISHMEAL COOK, PRESTON FERRELL, ROOSEVELT JOHNSON, THEODORE STEVENS, EUNICE STEVENS, GLEO EVANS, DOC JOHNSON, WAYMAN WILLIAMS, CHARLIE HARVEY, LEO CLARK, BRADFORD PORTER, ED CULPEPPER, HARTFORD EDWARDS, S. T. EDWARDS, A. G. HILL, EVANS HENRY, J. W. HENRY, WILLIE HARVEY, COUNCIL JACKSON, ROBERT ELLIS JAMES, LEE A. MYLES, DAVID STEVENS, WILLIE SANDERS, JAMES W. SMITH, HAMILTON WASHINGTON, JAMES WILLIAMS, BRADFORD WILLIAMS, ADELINE YOUNG, EDDIE LEE ANDREWS, NELSON COBB and HENDERSON FIELDS.

to appear within thirty (30) days from the service of this writ in the Circuit Court of Baldwin County, Alabama, Equity Side, to be held for said County at the place of holding same, then and there to answer the Bill of Complaint filed against them by Bacon-McMillan Manufacturing Company, a Partnership, composed of Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner DaPonte, Mary D. Frazer, Mell A. Frazer, Annie McMillan Hastie, Ben F. Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan and Raymon N. McMillan.

WITNESS my hand this 1st day of November, 1951.


As Register of the Circuit Court of Baldwin County,
Alabama, Sitting in Equity.

Bill of Complaint

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Bacon-McMillan Manufacturing Company, a Partnership, composed of the partners hereinafter named, as complainant, presents this Bill of Complaint against 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 L. Reano, as an individual and as an officer and member of the said unions; Richard Farris, an officer or employee and member of the said unions; A. J. Searcy, an officer or employee and member of the said unions; Mark Ganey; Henry Lee Hammond; Clinton Hammond; N. H. Allen; Dougald Harvill; Hilary Harvill; Henry Stephens; Arthur Stephens; Buford Brown; Leslie Brown; Lindsey Whatley; Jesse Emanuel; Ishmeal Cook; Preston Ferrell; Roosevelt Johnson; Theodore Stevens; Eunice Stevens; Cleo Evans; Doc Johnson; Wayman Williams; Charlie Harvey; Leo Clark; Bradford Porter; Ed Culpepper; Hartford Edwards; S. T. Edwards; A. G. Hill; Evans Henry; J. W. Henry; Willie Harvey; Council Jackson; Robert Ellis James; Lee A. Myles; David Stevens; Willie Sanders; James W. Smith; Hamilton Washington; James Williams; Bradford Williams; Adeline Young; Eddie Lee Andrews; Nelson Cobb and Henderson Fields, and, thereupon, the complainant respectfully presents unto the Court and your Honor as follows:

1. The complainant, Bacon-McMillan Manufacturing Company, is a partnership composed of Minnie Lou McMillan, Sue McMillan Byrne, Dorothy Danner Daponte, Mary D. Frazer, Mell A. Frazer, Annie McMillan Hastie, Ben F. Hastie, W. D. Gause, Jr., W. D. Hastie, W. W. Killcreas, Norman M. McInnis, Jr., M. M. McMillan, Ella P. McMillan, John M. McMillan and Raymon N. McMillan, with its principal place of business at Stockton, Baldwin County, Alabama. All of the said partners are over twenty-one years of age and all of the said partners are residents of Baldwin County, Alabama, except Dorothy Danner DaPonte, Mary D. Frazer, Mell A. Frazer and Ella P. McMillan, who are residents of Mobile County, Alabama.

The respondent, United Construction Workers, affiliated with the United Mine Workers of America, is an unincorporated association of individuals functioning as a labor union; United Mine Workers of America is an unincorporated association of individuals functioning as a labor union. John L. Reano is an officer and member of the said unions; Richard Farris is an officer or employee and a member of the said unions; A. J. Searcy is an officer or employee and a member of the said unions. The residence or post office address of the said John L. Reano, Richard Farris and A. J. Searcy is unknown to the complainant, but the said parties can be reached at the office of the said United Construction Workers, which is located, to-wit, at 352 St. Francis Street, Mobile, Alabama.

The respondents, Mark Ganey, Henry Lee Hammond, Clinton Hammond, N. H. Allen Dougald Harvill, Hilary Harvill, Henry Stephens, Arthur Stephens, Buford Brown, Leslie Brown, Lindsey Whatley, Jesse Emanuel, Ishmeal Cook, Preston Ferrell, Roosevelt Johnson, Theodore Stevens, Eunice Stevens, Cleo Evans, Doc Johnson, Wayman Williams, Charlie Harvey, Leo Clark, Bradford Porter, Ed Culpepper, Hartford Edwards, S. T. Edwards, A. G. Hill, Evans Henry, J. W. Henry, Willie Harvey, Council Jackson, Robert Ellis James, Lee A. Myles, David Stevens, Willie Sanders, James W. Smith, Hamilton Washington, James Williams, Bradford Williams, Adeline Young, Eddie Lee Andrews, Nelson Cobb and Henderson Fields, are each residents of Baldwin County, Alabama.

Each of the individuals respondents named above is over twenty-one years of age.

2. The complainant is now and was at the time of the matters and things hereinafter complained of, operating a veneer mill at Stockton in Baldwin County, Alabama where hardwood logs are cut into veneer, which is sold by it and used for the purposes of making furniture and plywood. The complainant and those through whom it acquired the business which it now operates have been in the same business at the same location since 1909 and has, after long years of successful business operations, built up a number of customers who look to it to supply all or the greater part of their needs in veneer and as a result of long, continued and satisfied business dealings with its various customers and other parties, has built up a reputation in the veneer industry which constitutes what is known as "good will", and which is a most valuable asset of the said complainant. Complainant's investment in its said business is most substantial and the value thereof exceeds the sum of Two Hundred Thousand Dollars (\$200,000.00).

3. For some time prior to October 25, 1951, the said John L. Reano has attempted to persuade the complainant to recognize the United Construction Workers, affiliated with the United Mine Workers of America, an unincorporated association of individuals functioning as a labor union, as the bargaining agent for the complainant's employees, which the complainant has refused to do.

On October 25, 1951 a number of the individual respondents named above, who were employees of the complainant, did not report for work and congregated with other of said respondents in a large body at or near the place where the road, which leads into the complainant's plant at Stockton in Baldwin County, Alabama, intersects the old public road which runs from Stockton through what is known as Cottage Hill, to Bay Minette. This action on the part of the said respondents, or a large part of them, has continued from the morning of October 25, 1951 to this date. During a part of the time they congregate and trespass on private property which belongs to Bacon-McMillan Veneer Company, a Corporation, or to other persons, without permission of the said owners and have prepared and served meals thereon.

On Thursday afternoon, October 25, 1951, the respondent, Roosevelt Johnson, went to the home of Joe Robinson, Jr., who is one of complainant's employees and whose home is in the mill quarters of the complainant on property leased by the complainant from Bacon-McMillan Veneer Company, a Corporation, and at the said time and place told the wife of Joe Robinson, Jr., to tell him not to go into that mill.

On, to-wit, October 25, 1951, a white man whose name is unknown to the complainant, but which complainant alleges on information and belief to be the respondent, Richard Farris or the respondent, A. J. Searcy, told Joe Robinson, Jr., one of the complainant's employees, not to go into the mill.

On Thursday night, October 25, 1951, Roosevelt Johnson, Doc Johnson and J. W. Henry, three of the respondents named in this suit, went to the home of Dan Allen, who is one of the complainant's employees and whose home is in the mill quarters of the complainant on land leased by it from the Bacon-McMillan Veneer Company, a Corporation, and while at Dan Allen's home and in the presence of Dan Allen, his wife and boy, J. W. Henry said, in the presence of the said respondents, Roosevelt Johnson and Doc Johnson, that "the head union man had sent them there" and at the said time and place the said Roosevelt Johnson said that "they had orders to come there and that if he (Dan Allen) went to the mill tomorrow he wouldn't come out."

At the said time and place, while the said parties were present, the respondent, Doc Johnson, stated, in substance, that "only one thing had them held up: Mr. Mac (Mr. McInnis) wouldn't sign the papers and as long as any of them went into the mill they wouldn't get a union."

On October 25, 1951 the respondent, Roosevelt Johnson, went to the house of Willie Thomas, who is one of complainant's employees, and while there the said Roosevelt Johnson stated that he had orders from the union man to tell Willie Thomas to stay away from the mill.

On, to-wit, October 29, 1951, the said Willie Thomas was stopped in the public road at a point between complainant's mill and L. D. Thompson's store by the respondent, Mark Ganey, who told him that he had better not go back on the job.

On Friday morning, October 26, 1951, around 3:30 o'clock A. M., the respondent, Roosevelt Johnson, went to the home of Ed Crockett, who is one of complainant's employees, whose home is situated in what is known as Vaughn's Settlement, and went up on the porch of the said house. While there the said respondent, Roosevelt Johnson, told Ed Crockett that Willie Mayes, who is one of the complainant's employees, was going to get killed and that if he (Ed Crockett) went to work something would happen to him.

On Friday night, October 26, 1951, Sam James, who is one of complainant's employees and who lives in what is known as Vaughn's Settlement near Stockton, Alabama, went to what is known as the "Luck's Maid Tea Room", which is a colored establishment near his home, on personal business and when he left there and while returning to his home, he was attacked at a point approximately one hundred yards from the public road by three men, the identity of whom is not known, at which time and place the said three men beat him with sticks on his neck and back.

On Monday, October 29, 1951, at or near the point where the road to complainant's plant intersects the public road leading from Stockton to Bay Minette, which runs through what is known as Cottage Hill, the respondent, Dougald Harvill, stated in the presence of a number of parties who were there that they should run into or turn over John Payne's car. John Payne is one of complainant's employees and is the same person as the John Payne hereinafter referred to.

On Wednesday afternoon, October 31, 1951, John Payne, one of complainant's employees, completed his day's work and while driving his automobile from the complainant's plant down the old public road to what is known as Cottage Hill, he was followed by the respondent, Mark Ganey, to a point which is known as the Double Bridges, and at said point, while the said John Payne was driving his automobile at a high rate of speed in an effort to get away from the respondent, Mark Ganey, the said Mark Ganey ran his automobile into or against the automobile of the said John Payne on several occasions and injured the said John Payne.

On the night of October 31, 1951 around 8:00 or 9:00 o'clock P. M., a person or persons whose names are unknown, went to the home of August Bercant, who is one of the complainant's employees, and shot at or into his home three times, at least one of which hit the house.

On the night of October 31, 1951 a person or persons whose names are to the complainant unknown, went near the house of Walter Lewis, which house is situated in what is known as Vaughn's Settlement near Stockton, Alabama, and near what is known as the Luck's Maid Tea Room, and shot into the house one time with a shot gun. A number of the shot from the said gun struck the house of the said Walter Lewis near the top of one of the doors and broke the glass in the door.

4. Complainant further alleges that the respondents, together with those others whose names are unknown but which will be supplied when ascertained, the powers of equity being necessary for the purpose of such ascertainment, entered into a conspiracy, agreement or understanding for the purpose of preventing the complainant from carrying on its aforesaid business; entered into a conspiracy to use force, threats intimidation or other unlawful means to prevent the complainant from engaging in its lawful business and entered into a conspiracy to use force, threats, intimidation or other unlawful means to prevent the complainant's employees from engaging in their lawful vocation.

5. The said acts of the respondents, as enumerated above, are unlawful and in violation of Title 26, Section 384 of the Code of Alabama, which 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."

6. The acts of the respondents in unlawfully assembling near complainant's plant and in the commission of the acts enumerated above are in violation of Title 26, Section 385 of the Code of Alabama, 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."

PRAYER FOR PROCESS

Complainant prays that the Court will take jurisdiction of this Bill of Complaint and that the usual process of this Honorable Court will forthwith issue to the respondents, requiring them to appear and answer, demur or plead to the Bill of Complaint within the time and under the pains and penalties prescribed by law.

PRAYER FOR RELIEF

Complainant prays for the following separate and several relief:

1. That there be issued immediately a restraining order or temporary writ of injunction restraining the respondents from committing the following acts:

A. From using force, threats, intimidation or other unlawful means to prevent complainant from engaging in its lawful occupation or business.

B. In any way hindering, delaying or preventing complainant from carrying on its business, except by peaceful picketing or persuasion as limited below.

C. From interfering or threatening to interfere with any person attempting to enter or leave the property or plant of the complainant, except by peaceful picketing and peaceful persuasion as limited below.

D. From interfering with any employee of complainant at complainant's place of business in this county or elsewhere, or any person performing for complainant any duties of employment.

E. From threatening to interfere with any employee of complainant at complainant's plant or any of its operations in Baldwin County, Alabama, or elsewhere, either working for complainant or performing for complainant any duties of his employment.

F. From riotous, disorderly conduct and acts of violence committed or threatened to be committed in or around complainant's plant in Baldwin County, or elsewhere, against any of complainant's employees or any persons desiring to become employees of complainant or any person having business relationships or desiring to have business relationships with complainant.

G. From doing any acts of violence, threats or intimidations against any person or property in and around complainant's plant, mill quarters, as the homes of any of complainant's employees or elsewhere against complainant's employees or property, who are employed by complainant or who desire to have employment with complainant, or have or seek to have business relationships with complainant.

H. From engaging in any acts of violence or from making any threats or from engaging in or performing any acts of intimidation or threatening to do so, or from committing any breaches of the peace or from laying hands in anger on or any assault upon any person or using any defamatory language intending to bring about breaches of the peace, or from engaging in any acts or threatening to engage in any acts which would intend to bring about breaches of the peace or violations of the law.

I. From laying hands on or striking with any missile or instrument any vehicle in which complainant's employees, or those having or seeking to have business relationships with complainant, may be riding, or from doing any of the said acts towards any motor vehicle in which any person seeking employment with complainant may be riding.

J. From following complainant's employees in automobiles as they go to and from work or elsewhere.

K. From using over six pickets at the one entrance to complainant's plant or premises, which said pickets shall be peaceful and shall be kept moving, so as to keep open for free ingress and egress the road and entrance to complainant's plant and properties at all times for all persons.

L. From conspiring together to do or perform any of the acts hereinabove enumerated.

M. From one or more persons standing or moving in the public highways so as to in any manner stop or delay any persons using said highways.

N. From maintaining, or being a part of, any group of persons in the vicinity of the picket line above allowed.

2. That on a final hearing of this cause the temporary restraining order or injunction be made permanent.

3. Complainant further prays for such other, further and general relief as it may be equitably entitled to, the premises considered.


Solicitor for Complainant

STATE OF ALABAMA }
BALDWIN COUNTY }

Before me, the undersigned authority, within and for said County in said State, personally appeared NORMAN M. McINNIS, JR., who, after being by me first duly and legally sworn, deposes and says: That he is General Manager and a member of the firm of Bacon-McMillan Manufacturing Company, a Partnership, composed of the parties named in the foregoing Bill of Complaint; that he has read over the said Bill of Complaint and that the facts stated therein are true.

(Signed) NORMAN M. McINNIS, Jr.

Sworn to and subscribed before me on this the 1st day of November, 1951.

(Signed) MARY LOU BLACKBURN, Notary Public
Baldwin County, Alabama.

FIAT

STATE OF ALABAMA }
BALDWIN COUNTY }

This cause being submitted to the Court upon application of the complainant for a temporary Writ of Injunction as prayed for in the original Bill of Complaint filed in this cause, and upon consideration thereof, the Court is of the opinion that the same should be granted:

It is, therefore, Ordered, Adjudged and Decreed by the Court that upon the complainant entering into a good and sufficient bond, conditioned as provided by law, in the sum of \$1000.00, to be approved by the Register of this Court, that the Register of this Court issue a temporary Writ of Injunction as prayed for in the said Bill of Complaint filed in this cause.

ORDERED AND DONE on this the 1st day of November, 1951.

(Signed) TELFAIR J. MASHBURN, Jr., Judge of the
Circuit Court of Baldwin County, Alabama, in Equity.

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ALICE J. DUCK, Register

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on John R. ...
by service on ...

W. H. HOLCOMBE, Sheriff

[illegible]

962

BACON-McMILLAN MANUFACTURING
COMPANY, a Partnership,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS,
an Unincorporated Association,
ET ALS.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE

The Complainant and the Respondents in this cause having stipulated, by their Solicitors, on this date that a decree be rendered dismissing this cause without prejudice, which stipulation has been filed in this cause, it is therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. This cause shall be and it is hereby dismissed without prejudice in accordance with the stipulation filed on this date.
2. The costs of this proceeding are hereby taxed against the said Complainant.

ORDERED, ADJUDGED AND DECREED by the Court on this the 22nd day of January, 1954.

Hubert M. Hall

Judge.

2739

DECREE

RECORDED

BACON-McMILLAN MANUFACTUR-
ING COMPANY, a Partnership,

Complainant,

VS.

UNITED CONSTRUCTION WORKERS,
an Unincorporated Associa-
tion, ET ALS.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

JAN 22 1954

CLIFF L. DICK, Register

2739