

(page two)

state that the Defendant authorized or directed his agent, servants, or employees to cut the timber alleged to have been cut in count 2 of said Complaint, or that the timber was cut with his knowledge or consent.

EIGHTH:

For that count 2 of the Complaint does not state that the Plaintiff was the owner of the timber alleged to have been cut.

NINTH:

For aught appearing from count 2 of the Complaint the Defendant was the owner of the timber alleged to have been cut and had the right to cut the same.

TENTH:

For that the description of the land as set out in count 2 of the Complaint is vague and indefinite.

ELEVENTH:

For that count 3 of the Complaint does not state that the Plaintiff was the owner of the pine trees alleged to have been removed from the lands described therein by the Defendant.

TWELVETH:

For aught appearing from count 3 of the Complaint the Defendant was the owner of the pine trees alleged to have been taken from the lands described in said count and had rights of ingress and egress to, over and across said lands for the purpose of removing the same.

THIRTEENTH:

For that the description of the lands as set out in count 3 of the Complaint is vague and indefinite and does not properly describe any land in Baldwin County, Alabama.

FOURTEENTH:

For that count 4 of the Complaint does not state that the Defendant authorized or directed his agent, servants, or employees to take away the trees mentioned in said count, or that

(page three)

they were taken away with his knowledge or consent.

FIFTEENTH:

For that count 4 of the Complaint does not state that the Plaintiff was the owner of the trees alleged to have been taken away.

SIXTEENTH:

For aught appearing from said Complaint the Defendant was the owner of the trees alleged to have been taken away and had the right to go on said lands and remove the same.

SEVENTEENTH:

For that the description of the lands as set out in count 4 of the Complaint is vague and indefinite and does not correctly describe any land in Baldwin County, Alabama.

Hyatt, Chason & Chason
Attorneys for Defendant.

Defendant demands a trial
of this cause by a Jury.

Hyatt, Chason & Chason
Attorneys for Defendant.

723-
DENURDER.

E. W. STRONG,

Plaintiff,

Vs.

SPENCER M. ADAMS,

Defendant.

IN THE CIRCUIT COURT-LAW SIDE.

BALDWIN COUNTY,

ALABAMA.

FILED MARCH 24, 1942.

J. J. [unclear]
Chf.
HYBART, CHASON & CHASON
ATTORNEYS AT LAW
FOLEY, ALABAMA

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

YOU ARE HEREBY COMMANDED to summon SPENCER M. ADAMS to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of E. S. STRONG.

WITNESS my hand this 22 day of January, 1942.

R. S. DUCH
Register.

E. W. STRONG, Plaintiff,

VS.

SPENCER M. ADAMS, Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

1.

The Plaintiff claims of the Defendant Thirty-nine Hundred Twenty Dollars (\$3920.00) as damages for willfully and knowingly, without the consent of the Plaintiff, the owner of the land, and in violation of Chapter 10, Title 47, of the 1940 Code of Alabama, cutting down 392 pine trees, on to-wit, during the months of September, October, and November, 1941, on the following described lands:

Commencing at the Northwest corner of Lot no. 4, running along Bon Secour River in a Northwesterly direction 3 chains and 31 links, thence North 55° East to a corner, thence South 41° West 1 chain and 51 links, thence South 52° West to place of beginning, containing 6.75 acres, being a portion of the John Cook tract, section 4, township 9 South of range 3 East, in Baldwin County, Alabama,

which said lands were not at said time and are not now, the property of said Defendant, but were and are the property of the Plaintiff.

2.

The Plaintiff claims of the Defendant Thirty-nine Hundred Twenty Dollars (\$3920.00) as damages for that during the months of September, October, and November, 1941, the Defendant, acting by and through his agents, servants or employees, who were then and there acting within the line and scope of their employment, willfully and knowingly and without the consent of the Plaintiff and in violation of Chapter 10, Title 47 of the 1940 Code of Alabama, cutting down 392 pine trees, on the following described lands:

Commencing at the Northwest corner of Lot no. 4, running along Bon Secour River in a Northwesterly direction 3 chains and 31 links, thence North 55° East to a corner, thence South 41° West 1 chain and 51 links, thence South 52° West to place of beginning, containing 6.75 acres, being a portion of the John Cook tract, section 4, township 9 South of range 3 East, in Baldwin County, Alabama,

which said lands were not at said time, and are not now the property of the said

Defendant, but were and are the property of the Plaintiff.

3.

The Plaintiff claims of the Defendant Thirty-nine Hundred Twenty Dollars (\$3920.00) as damages for willfully and knowingly and without the consent of the Plaintiff, and in violation of Chapter 10, Title 47, of the 1940 Code of Alabama, taking away on to-wit, during the months of September, October, and November, 1941, from the following described lands in Baldwin County, Alabama, to-wit:

Commencing at the Northwest corner of lot no. 4, running along Bon Secour River in a Northwesterly direction 3 chains and 31 links, thence North 55° East to a corner, thence South 41° West 1 chain and 51 links, thence South 52° West to place of beginning, containing 8.75 acres, being a portion of the John Cook tract, section 4, township 9 South of range 3 East, in Baldwin County, Alabama,

392 pine trees which had already been cut down and were then lying on said lands; that said lands were not at said time and are not now the property of the said Defendant, but are and were the property of the Plaintiff.

4.

The Plaintiff claims of the Defendant Thirty-nine Hundred Twenty Dollars (\$3920.00) as damages in that the Defendant, acting by and through his agents, servants or employees, who were then and there acting within the line and scope of their employment, willfully and knowingly, and in violation of Chapter 10, Title 47 of the 1940 Code of Alabama, taking away on, to-wit, during the months of September, October and November, 1941, from the following described land in Baldwin County, Alabama, to-wit:

Commencing at the Northwest corner of lot no. 4, running along Bon Secour River in a Northwesterly direction 3 chains and 31 links, thence North 55° East to a corner, thence South 41° West 1 chain and 51 links, thence South 52° West to place of beginning, containing 8.75 acres, being a portion of the John Cook tract, section 4, Township 9 South, Range 3 East, in Baldwin County, Alabama,

392 pine trees which had already been cut down and were then lying on said land; that said land was not at said time and is not now the property of said Defendant, but is and was the property of the Plaintiff.

GAILLARD & GAILLARD, and
BEEBE & HALL, LAWYERS,

By: *[Signature]*
Attorneys for Plaintiff.

725
Civil **RECORDED**

E. W. STRONG,
Plaintiff,

VS.

SPENCER M. ADAMS,
Defendant.

July

Received in Sheriff's Office
this 23 day of Feb, 1942
W. R. STUART, Sheriff

Executed Feb 25th 1942
by serving copy of within Summons and
Complaint on

Spencer M. Adams

W.R. Stuart Sheriff
By *John R. Davis* Deputy Sheriff

SUMMONS AND COMPLAINT

*Filed 12th day
of Jan. 1942
R. S. Tuck
cc'd*

GAILLARD & GAILLARD,
and
BEEBE & HALL, LAWYERS,
Bay Minette, Alabama

725