

76.8933

Wm. L. Lyman  
vs. W. W. Lyman

JURY LIST - JUNE 15, 1970

1. Anderson, Raymond, Farmer, Summerdale
2. Baggett, M. H., Civil Service, Stapleton
3. Barbarow, Cecil E., Retired, Bay Minette
4. Beasley, Edson C., Store Owner, Bay Minette
5. Broughton, Joe N., Merchant, Cross Roads
6. Floyd, Bung, Merchant, Fairhope
7. Glopton, Eddie, Janitor, Bay Minette
8. Cox, Y. A., Jr., Stockton
9. Fell, Neal J., Farmer, Lillian
10. Flowers, Elvin A., Farmer, Robertsdale
11. Hardy, Frank, Janitor, Bay Minette
12. Head, Mary Lou, Stapleton
13. Johnson, Ralph R., Minister, Bay Minette
14. Lazzari, Joe, Jr., Farmer, Belforest
15. Leatherwood, L. J., Teacher, Bay Minette
16. Leatherwood, Ruby, Teacher, Bay Minette
17. Lynd, Joe E., Plumber, Bay Minette
18. Manning, Wesley W., Civil Service, Foley
19. Means, Vera, Teacher, Bay Minette
20. Morse, Wilson W., Civil Service, Foley
21. Palmer, James J., Farmer, Robertsdale
22. Roberts, Howard, Civil Service, Stapleton
23. Rockwell, Oliver M., Fairhope
24. Ruple, Leroy, Engineer, Bay Minette
25. Valrie, William, Daphne Pottery, Daphne
26. Whidbee, Ellis, Shipyard Worker, Perdido
27. Whidbee, Melzie, Shipyard Worker, Perdido
28. Wright, Justice D., Forester, Bay Minette
29. Brabner, Martin J., Jr., South Central Bell, Bay Minette
30. Calloway, John, Fisherman, Gulf Shores
31. Chestang, Jas. Paper Mill, Bay Minette
32. Day, Bernice, Stockton
33. Fackler, Paul W., Mechanic, Loxley
34. Friel, W.E., Retired, Bay Minette
35. Gilbert, Annie Ree, Housewife, Bay Minette
36. Hudson, Ethel, Maid, Bay Minette
37. Myrick, T.C., Fairhope
38. Smith, Columbus, Retired, Stockton
39. Therrell, E. L. Doris, Housewife, Daphne
40. Trawick, Emma D., Stockton
41. Ward, John, International Paper, Spanish Fort
42. Whitten, Lewis S., Electrician, Fairhope
43. Woolf, Burnette K., Housewife, Stockton
44. Wrenn, Walter P., Retired, Bay Minette
45. Wrenn, Wynona, Housewife, Bay Minette
46. Stacey, William B., Operator Union Carbide, Bay Minette

P

XXXXX

XXXXX

D

XXXXX

XXXXX

46  
4  
42  
12  
30  
12  
18

WILLIAM L. JOHNSON,	)	
Plaintiff	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
O.W. LYLES, ROBERT ELLIS,	)	
ED LEE WILLIAMS, JOHN	)	AT LAW
DOUGLAS, BURNELL KOEN,	)	No.8933
Defendants	)	

AMENDMENT TO COMPLAINT

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF SAID COURT:

Comes now William L. Johnson, Plaintiff, and amends his Complaint filed heretofore under the above styling, by:

- 1) Adding after the words in Count One "his farm in Elberta, Alabama," the clause, "in the SE 1/4 of SW 1/4 of Sec. 1, Township 8 South, Range 5 East, in Baldwin County,"
- 2) Deleting after the words "proximately damaging the Plaintiff," the words, " and affording his statutory damages for said cutting."

3) Adding, Count Two:

The Plaintiff claims of the Defendants the sum of TWO HUNDRED AND SIXTY(\$260.00) DOLLARS, as damages, on an action of debt, for that Robert Ellis, Ed Lee Williams, John Douglas, Burnell Koen, as agents for O.W. Lyles, acting in the line and scope of their authority, beginning on or about August 25, 1969, and continuing through on or about September 10, 1969, cut down and destroyed thirteen(13) pine trees of the Plaintiff, wilfully and knowingly, without the Plaintiff's consent, on land that was not their, but the Plaintiff's, on the east side of the Plaintiff's farm in Elberta, Alabama, in the SE 1/4 of SW 1/4 of Sec.1, Township 8 South, Range 5 East, in Baldwin County, proximately damaging the Plaintiff and affording him statutory relief for said damages, in amount of \$20.00 per tree, totalling \$260.00.

*Samuel C. Robinson*  
Attorney for Plaintiff

I hereby certify that I have mailed a copy of this pleading to counsel for the Defendants, by U.S. Mail, properly addressed, on this 3 day of December, 1969.

*Samuel C. Robinson*

DEC 3 1969

ALICE J. DICK  
CLERK  
REGISTER

DEMURRERS

WILLIAM L. JOHNSON, )  
Plaintiff, ) IN THE CIRCUIT COURT OF  
VS. ) BALDWIN COUNTY, ALABAMA  
O. W. LYLES, ROBERT ELLIS, ED LEE) AT LAW  
WILLIAMS, JOHN DOUGLAS, BURNELL )  
KOEN, ) CASE NO. 8933  
Defendants. )

Come now the Defendants in the above styled cause and file the following Demurrers to the Plaintiff's Amended Complaint:

1.

Count One does not state a cause of action against the Defendant, O. W. Lyles.

2.

Count Two attempts to join an action of debt and trespass in the same count.

WILTERS & BRANTLEY

BY:

Tolbert M. Brantley

**FILED**

DEC 8 1969

**ALICE J. DUCK** CLERK  
REGISTER

46933

FILED

DEC 8 1969

ALICE J. BURK  
CLERK  
REGISTER

WILLIAM L. JOHNSON,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
O. W. LYLES, ROBERT ELLIS,	)	AT LAW
ED LEE WILLIAMS, JOHN	)	CASE NO. 8933
DOUGLAS, BURNELL KOEN,	)	
Defendants.	)	

DEMURRER

1.

The Plaintiff fails to state a cause of action.

2.

The Defendants are unable to determine whether this is a count for trespass or for statutory penalty for cutting trees.

3.

Plaintiff fails to describe the land he says was trespassed upon.

WILTERS & BRANTLEY

BY: *Solomon M Brantley*  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 20<sup>th</sup> day of October, 1969 served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

By: *Solomon M Brantley*

**FILED**

OCT 20 1969

CLERK  
REGISTER

TO THE HONORABLE CLERK OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

FROM THE HONORABLE CLERK OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

RECEIVED

THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

TO THE HONORABLE CLERK OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

FROM THE HONORABLE CLERK OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

RECEIVED

THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

RECEIVED

RECEIVED

ORDERED TO SHOW A STATE OF ARREST FOR VIOLATION OF

RECEIVED

TO THE HONORABLE CLERK OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

FROM THE HONORABLE CLERK OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

RECEIVED

ORDERED TO SHOW A STATE OF ARREST FOR VIOLATION OF

RECEIVED

ALL FOR THE CLERK OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

OCT 20 1969

FILED

8933

RECEIVED

ORDERED TO SHOW A STATE OF ARREST FOR VIOLATION OF

RECEIVED

ORDERED TO SHOW A STATE OF ARREST FOR VIOLATION OF


RECEIVED

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF IN THE STATE OF ALABAMA -- GREETINGS:

You are hereby commanded to summon O.W.Lyles, Robert Ellis, Ed Lee Williams, John Douglas, Burnell Koen to appear before the Circuit Court of this County, at the place of holding same, within thirty days from service of this process, then and there to answer, plead or demur the complaint of William L. Johnson.

Witnesss my hand, this 16. day of Oct. . . . , 1969.

  
Clerk

\* \* \* \* \*

WILLIAM L. JOHNSON,	)	
Plaintiff	)	
vs.	)	IN THE CIRCUIT COURT OF
O.W. LYLES, ROBERT ELLIS,	)	BALDWIN COUNTY, ALABAMA
ED LEE WILLIAMS, JOHN	)	AT LAW
DOUGLAS, BURNELL KOEN	)	No. 8922
Defendants	)	

COMPLAINT

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF SAID COURT:

COUNT ONE: The Plaintiff claims of the Defendants the sum of ONE THOUSAND(\$1,000.00) DOLLARS, as damages, for that Robert Ellis, Ed Lee Williams, John Douglas, Burnell Koen, as agents for O.W. Lyles, acting in the line and scope of their authority,, beginning on or about August 25, 1969, and continuing through September 10, 1969, wilfully and knowingly, wantonly injured the Plaintiff by wantonly trespassing on his land and cutting down thirteen trees which formed a major part of his windbreak on the east side of his farm in Elberta, Alabama, they knowing or should have known they were on the Plaintiff's land, proximately damaging the Plaintiff and affording his statutory damages for said cutting, and damages for depreciation in value of the land, and punitive damages for the wanton conduct,

in reckless disregard for the consequences.

Daniel E. Robison  
Daniel E. Robison  
Attorney for Plaintiff

Plaintiff demands a struck jury in this cause.

Daniel E. Robison  
Attorney for Plaintiff

**FILED**

OCT 16 1969

**ALICE J. DUCK** CLERK  
REGISTER

*[Faint, illegible handwritten notes and signatures in the lower half of the page]*

84/  
10-17-69



8933

William J. Johnson  
Plt.

no.

W.W. Lyles, Robert Ellis  
Ed Lee Williams, John  
Douglas, Burnell Koers

FILED

OCT 16 1969

ALICE J. DUCK  
CLERK  
REGISTER

David Roberts

Received 16 day of Oct 1969

and on 17 day of Oct 1969

I served a copy of the within  
on Robert Ellis, Ed Lee Williams  
John Douglas, Burnell Koers

By service on

TAYLOR WILKINS, Sheriff

By W. A. Johnson D. S.

WILLIAM L. JOHNSON,	)	
Plaintiff	)	IN THE CIRCUIT COURT OF
v.	)	BALDWIN COUNTY, ALABAMA
O.W. LYLES, ROBERT ELLIS	)	AT LAW
ED LEE WILLIAMS, JOHN	)	
DOUGLAS, BURNELL KOEN,	)	No. 8933
Defendants	)	

AMENDMENT OF COMPLAINT TO ONE COUNT

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF SAID COURT:

Comes now William L. Johnson, Plaintiff, and amends his complaint so as to have only one count, since the Court has sustained a demurrer to the other count, and his entire complaint will read:

The Plaintiff claims of the Defendants the sum of TWO HUNDRED AND SIXTY(\$260.00) DOLLARS, ad damages, on an action of debt, for that Robert Ellis, Ed Lee Williams, John Douglas, Burnell Koen, as agents for O.W. Lyles, acting in the line and scope of their authority, beginning on or about August 25, 1969, and continuing through on or about September 10, 1969, cut down and destroyed thirteen(13) pine trees of the Plaintiff, wilfully and knowingly, without the Plaintiff's consent, on land that was not theirs, but the Plaintiff's, on the east side of the Plaintiff's farm in Elberta, Alabama, in the SE 1/4 of SW 1/4 of Sec.1, Township 8 South, Range 5 East, in Baldwin County, proximately damaging the Plaintiff and affording him statutory relief for said damages, in amount of \$20.00 per tree, totalling \$260.00.

*Daniel E. Robinson* . . . .  
Attorney for Plaintiff

I hereby certify that I have mailed a copy of this pleading to counsel for the Defendants, by U.S. Mail, properly addressed, on this 13th day of January, 1970.

*Daniel E. Robinson* . . . .

**FILED**

JAN 14 1970

Use the jury find for the defendants  
Wenona Wrenn  
Foreman

8933

WILLIAM L. JOHNSON, )  
Plaintiff, ) IN THE CIRCUIT COURT OF  
VS. ) BALDWIN COUNTY, ALABAMA  
O. W. LYLES, ROBERT ELLIS, ) AT LAW  
ED LEE WILLIAMS, JOHN )  
DOUGLAS, BURNELL KOEN, ) CASE NO. 8933  
Defendants. )

Come now the Defendants in the above styled cause and for  
answer to the Plaintiff's Amended Complaint, say as follows:

1.

Not guilty.

WILTERS & BRANTLEY

BY: S. Oliver M. Brantley  
Attorneys for Defendants

The Defendants demand a trial by jury.

WILTERS & BRANTLEY

BY: S. Oliver M. Brantley  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 15 day of January,  
1970 served a copy of the foregoing pleading on counsel for all  
parties to this proceeding by mailing the same by United States  
Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

By: S. Oliver M. Brantley

**FILED**

JAN 16 1970

**ALICE J. DUEK**

CLERK  
REGISTER

8933

FILED

JAN 16 1970

ALICE J. BRY  
CLERK  
REGISTER

RECEIVED 50 0000

TO THE HONORABLE CLERK OF THE  
U.S. DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK  
FROM THE NEW YORK OFFICE OF THE  
FEDERAL BUREAU OF INVESTIGATION  
RE: [illegible]

RECEIVED 50 0000