

J. B. BLACKBURN,

Ø

Plaintiff,

VS.

Ø

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LOUISVILLE & NASHVILLE RAILROAD Ø
COMPANY, a Corporation,

AT LAW

NO. 10,090

Defendant.

Ø

COMPLAINT

COUNT ONE

The plaintiff claims of the defendant Fifteen Hundred Dollars (\$1500.00), damages for a trespass by the defendant, acting by its agents, servants or employees, who were then and there acting within the line and scope of their authority, on the following tract of land situated in the City of Bay Minette, County of Baldwin, State of Alabama, viz:

A parcel of land bounded on the North by the South line of Lots 1 and 2, in Block 1, in the Hand Land Company's Addition to the Town of Bay Minette, Alabama; on the East by the West line of Hoyle Avenue; on the South by the North line of the paved street known as Railroad Street; and on the West by a line running from the Southwest corner of Lot 1 in the said Block 1 to the North line of the said Railroad Street, and parallel with the West line of Hoyle Avenue,

belonging to the plaintiff, and for cutting timber, on the 30th day of October, 1970.

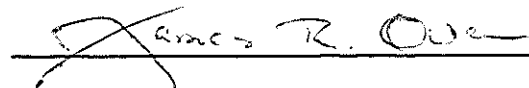
COUNT TWO

The plaintiff claims of the defendant Fifteen Hundred Dollars (\$1500.00), damages for a trespass by the defendant, acting by its agents, servants or employees, who were then and there acting within the line and scope of their authority, on the following tract of land situated in the City of Bay Minette, County of Baldwin, State of Alabama, viz:

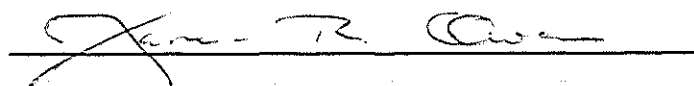
A parcel of land bounded on the North by the South line of Lots 1 and 2, in Block 1, in the Hand Land Company's Addition to the Town of Bay Minette, Alabama; on the East by the West line of Hoyle Avenue; on the South by the North line of the paved street

known as Railroad Street; and on the West by a line running from the Southwest corner of Lot 1 in the said Block 1 to the North line of the said Railroad Street, and parallel with the West line of Hoyle Avenue,

in the possession of the plaintiff, and for cutting timber on the 30th day of October, 1970.


Attorney for Plaintiff

Plaintiff demands a trial of said cause by jury.


Attorney for Plaintiff

FILED

OCT 28 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

Case 10,090 ^D

J. B. Blackmon
vs
Louisville & Nashville
Railroad

Received 28 day of Oct 19 21
and on 29 day of Oct 19 21
I served a copy of the within 11
on Stevenson & Nashville
Railroad
By service on Carl Byersmiller

TAYLOR WILKINS, Sheriff
By H. A. Zellerbach

Sherriff claims Fines or
Ten Cents per mile Total \$
TAYLOR WILKINS, Sheriff
BY
DEPUTY SHERIFF

OCT 28 1911

JAIL SHERIFF

James R Owen

J. B. BLACKBURN,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
LOUISVILLE & NASHVILLE	X	AT LAW NO. <u>10,090</u>
RAILROAD COMPANY,	X	
a corporation,	X	
Defendant.	X	

DEMURRER

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and each and every count thereof separately and severally, and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That said Complaint does not allege any duty owing by the Defendant to the Plaintiff.
3. That said Complaint fails to identify the agent, servant or employee of the Defendant who is alleged to have trespassed on the lands of the Plaintiff.
4. That said Complaint fails to identify the agent, servant or employee of the Defendant who is alleged to have cut any timber on the lands of the Plaintiff.
5. That Count One of said Complaint does not allege that the Plaintiff was the owner of the lands described therein at the time that it is alleged that the Defendant trespassed and cut timber thereon.
6. That Count Two of the Complaint does not allege that the Plaintiff was in possession of the lands described in such Count at the time that it is alleged that the Defendant trespassed and cut timber thereon.

7. That said Complaint does not allege that the agents, servants or employees of the Defendant were acting within the line and scope of their authority as such agents, servants or employees of such Defendant at the time it is alleged that they trespassed and cut timber on the lands of the Plaintiff.

8. That the lands upon which the trespass is alleged to have been committed is not sufficiently described in the Complaint.

CERTIFICATE OF SERVICE

certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 4 day of Nov, 1971.

John A. Stoner

Sharon, Stoner, Carson
Attorneys for Defendant

FILED

NOV 4 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

J. B. BLACKBURN,

Plaintiff,

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY,
a corporation,

Defendant.

* * * * *

DEMURRER

* * * * *