

R. N. DAVIS,

Plaintiff,

vs.

RUFFLES COMPANY, INC., A  
Corporation, et al.,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

NO. 3126

ORDER TO SUBPOENA WITNESSES

TO ALICE J. DUCK AS CLERK OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, AT LAW:

Comes now the Defendant in the above styled cause, by its attorneys, and notice having been given to the adverse parties as required by law of the Taking of the Depositions Upon Oral Examination of R. N. Davis and S. P. Houston whose addresses are Montrose, Alabama and 2102 Holmes Drive, Mobile, Alabama, respectively at the office of Louise Dusenbury in the Courthouse in Bay Minette, Baldwin County, Alabama on April 2, 1957, at 9:00 A.M., and hereby files its order for the said R. N. Davis and S. P. Houston to be subpoenaed by the Clerk of the Court on which the above styled cause is now pending.

Dated this 2nd day of March, 1957.

CHASON & STONE

By:

M. S. Stone  
ATTORNEYS OF RECORD FOR DEFENDANT

FILED

MAR 2 1957

ALICE J. DUCK, Clerk

June 3-5-57

R. N. DAVIS,  
Plaintiff,  
vs.  
RUFFLES COMPANY, INC., A  
Corporation, et al.,  
Defendants.

I  
I  
I  
I  
I  
I

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 3126

NOTICE TO ADVERSE PARTY OF TAKING OF  
DEPOSITIONS UPON ORAL EXAMINATION

TO: HON. JAMES R. OWEN, ATTORNEY AT LAW, BAY MINETTE, ALABAMA, ONE  
OF THE ATTORNEYS OF RECORD FOR THE PLAINTIFF, R. N. DAVIS.

Please take notice that the deposition of R. N. Davis and  
the deposition of S. P. Houston, whose addresses are Montrose, Ala-  
bama, and 2102 Holmes Drive, Mobile, Alabama, respectively, will be  
taken upon oral examination on the 2nd day of April, 1957, at 9:00  
A. M., before Louise Dusenbury, a Notary Public in and for the State  
of Alabama at Large, who is hereby designated as the officer before  
whom such depositions shall be taken, at her office in the Court-  
house in Bay Minette, Alabama.

Dated this 2<sup>nd</sup> day of ~~February~~ <sup>March</sup>, 1957.

CHASON & STONE

By: M. S. Stone, Jr.  
ATTORNEYS OF RECORD FOR DEFENDANTS

STATE OF ALABAMA  
BALDWIN COUNTY

I, Norborne C. Stone, Jr., one of the attorneys of record  
for the Defendants in the above styled cause, do hereby certify that  
I have this day delivered a copy of the foregoing Notice To Adverse  
Party of Taking of Depositions Upon Oral Examination to Hon. James R.  
Owen, one of the attorneys of record for the Plaintiff, at his office  
in Bay Minette, Alabama.

Dated this the 2<sup>nd</sup> day of ~~February~~ <sup>March</sup>, 1957.

FILED

MAR 5 1957

WILLIAM L. BELL, CLERK

Norborne C. Stone, Jr.  
Norborne C. Stone, Jr.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Ruffles Company, Inc., a corporation, and Norvin E. DuBrock, 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 same, then and there to answer the complaint of R. N. Davis.

WITNESS my hand this 14th day of January, 1957.

Alvin J. Duck  
Clerk.

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COMPLAINT

R. N. DAVIS,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
	)	LAW SIDE.
RUFFLES COMPANY, INC.,	)	
A Corporation, and	)	
NORVIN E. DUBROCK,	)	
Defendants.	)	

COUNT ONE:

The Plaintiff claims of the Defendant, Ruffles Company, Inc., a corporation, Five Thousand and no/100 Dollars (\$5,000.00) damages for unlawfully causing the Plaintiff to be arrested and imprisoned on a charge of fraudulently issuing a worthless check for one day, to-wit, on the 14th day of January, 1956.

COUNT TWO:

The Plaintiff claims of the Defendant, Norvin E. DuBrock Five Thousand and no/100 Dollars (\$5,000.00) damages for unlawfully causing the Plaintiff to be arrested and imprisoned on a charge of fraudulently issuing a worthless check for one day, to-wit, on the 14th day of January, 1956.

COUNT THREE:

The Plaintiff claims of the Defendant, Ruffles Company, Inc., a corporation, Five Thousand and no/100 Dollars (\$5,000.00) damages for maliciously and without probable cause therefor,

causing the Plaintiff to be arrested under a warrant issued by Wilbur Power, a Justice of the Peace, on or about, to-wit, the 14th day of January, 1956, on a charge of fraudulently issuing a worthless check, which charge, before the commencement of this action has been fully investigated and said prosecution ended, and the Plaintiff discharged.

COUNT FOUR:

The Plaintiff claims of the Defendant, Norvin E. DuBrock, Five Thousand and no/100 Dollars (\$5,000.00) damages for maliciously and without probable cause therefor, causing the Plaintiff to be arrested under a warrant issued by Wilbur Power, a Justice of the Peace, on or about, to-wit, the 14th day of January, 1956, on a charge of fraudulently issuing a worthless check, which charge, before the commencement of this action has been fully investigated and said prosecution ended, and the Plaintiff discharged.

HOWELL AND JOHNSTON

and

JAMES R. OWEN

BY: 

Attorneys for Plaintiff.

Plaintiff demands a trial  
of this cause of a Jury.

HOWELL AND JOHNSTON

and

JAMES R. OWEN,

BY: 

Attorneys for Plaintiff.

RECORDED

R. N. DAVIS,  
Plaintiff,  
vs.

RUFFLES COMPANY, INC., a  
corporation, and NORVIN E.  
DUBROCK.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE.

BY *Steve Brown*  
TAYLOR WILKINS, Sheriff  
Ten Cents per mile Total \$ *7.00*  
miles at *70*  
Sheriff claims

TAYLOR WILKINS, Sheriff  
By *Steve Brown*  
D. S.

Received *Jan 15* day of *Jan* 1957  
and on *Jan 19* day of *Jan* 1957  
I served a copy of the within *AVE*  
on *Ruffles Co. Inc. and Norman*  
By service on *William A. Ruffles*  
*E. Dubrock*

FILED  
JAN 14 1957  
JAMES R. OWEN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA  
ALICE J. DUCK, Clerk

R. N. DAVIS,	I	
Plaintiff,	I	
vs.	I	IN THE CIRCUIT COURT OF
RUFFLES COMPANY, INC.,	I	BALDWIN COUNTY, ALABAMA
A Corporation, and	I	LAW SIDE NO. 3126
NORVIN E. DUBROCK,	I	
Defendants.	I	

DEMURRER

Come now the Defendants in the above styled cause, by their attorneys, and demur to the complaint heretofore filed against them and to each count thereof, separately and severally, and assign the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.
2. Count One fails to state a cause of action.
3. Count Three fails to state a cause of action.
4. There is a misjoinder of causes of action.
5. The complaint seeks to join an action of trespass with an action of trespass on the case.
6. The complaint fails to allege that the Plaintiff was caused to be arrested under a warrant charging him with any crime cognizable under the laws of the State of Alabama.
7. The complaint fails to allege that the Plaintiff was caused to be imprisoned for any crime cognizable under the laws of the State of Alabama.
8. There is a misjoinder of parties Defendant.
9. The complaint fails to allege the name of the agent, servant or employee of the Defendant Ruffles Company, Inc., a corporation, from whom the acts therein complained of would be derived.
10. The complaint fails to allege that the Defendant, Ruffles Company, Inc., a corporation, ratified any acts of any of its agents, servants or employees complained of.
11. The complaint fails to allege for what length of time the Plaintiff was imprisoned.
12. The complaint fails to allege on what date the Plain-

tiff was arrested.

13. The complaint fails to allege with sufficient certainty in what the alleged damages of the Plaintiff consist.

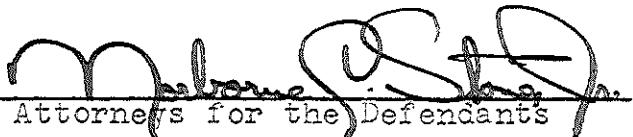
14. It affirmatively appears from the allegations of the complaint that this cause of action is barred by the statutes of limitations.

15. It affirmatively appears from the allegations of the complaint that this suit was not filed within one year from the date of the alleged false arrest and imprisonment.

E. G. RICKARBY

and

CHASON & STONE

By:   
Attorneys for the Defendants

RECORDED

R. N. DAVIS,

Plaintiff,

vs.

RUFFLES COMPANY, INC.,  
A Corporation, and  
NORVIN E. DUBROCK,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3126

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DEMURRER

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FILED  
JAN 29 1957  
ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

3126