

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

3799

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon THOMAS GIVENS, to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at Law, at the place of holding the same, then and there to plead, answer or demur to the complaint filed against him by J. L. RUPLE.

WITNESS my hand on this the 21 day of March, 1959.

Alice J. Luck
Clerk.

J. L. RUPLE,		IN THE CIRCUIT COURT OF
Plaintiff,		
vs.		BALDWIN COUNTY, ALABAMA
THOMAS GIVENS,		AT LAW.
Defendant.		

COUNT ONE:

The Plaintiff claims of the Defendant SEVEN HUNDRED DOLLARS (\$700.00) for a trespass by the Defendant, acting by and through his servants, agents or employees, acting within the line and scope of their authority as such agents, servants or employees, on the following tract of land situated in Baldwin County, Alabama, to-wit:

Begin at the Southeast corner of Section 40, Township 3 South, Range 2 East, and run thence North 2 degrees West 2437 feet, more or less, to the point where the East line of the said Section 40 intersects the South line of Bayou Wiltz; thence South-westwardly along Bayou Wiltz and following the meanders thereof to the point where the said Bayou intersects the South line of said Section 40; run thence South 85 degrees East 2193 feet, more or less, to the point or place of beginning, and containing 55 acres, more or less,

belonging to and in the possession of the Plaintiff and for cutting the timber thereon, on or about, to-wit, March 26, 1958.

COUNT TWO:

The Plaintiff claims of the Defendant SEVEN HUNDRED DOLLARS (\$700.00) damages for a trespass by the Defendant, or others by Defendant's authority and direction, on the following tract of land situated in Baldwin County, Alabama, to-wit:

Begin at the Southeast corner of Section 40, Township 3 South, Range 2 East, and run thence North 2 degrees West 2437 feet, more or less, to the point where the East line of the said Section 40 intersects the South line of Bayou Wiltz; thence South-westwardly along Bayou Wiltz and following the meanders thereof to the point where the said Bayou intersects the South line of the said Section 40; run thence South 85 degrees East 2193 feet, more or less, to the point or place of beginning, and containing 55 acres, more or less,

belonging to and in possession of the Plaintiff and for cutting the timber thereon, on or about, to-wit, March 26, 1958.

COUNT THREE:

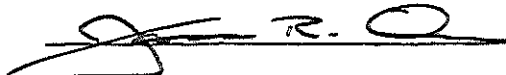
The Plaintiff claims of the Defendant SEVEN HUNDRED DOLLARS (\$700.00) for wrongfully taking or causing to be wrongfully taken by his agents, servants or employees, while acting within the line and scope of their authority, on or about, to-wit, March 26, 1958, the following goods and chattels, the property of the Plaintiff, to-wit, Three Hundred One (301) pine trees.

COUNT FOUR:

The Plaintiff claims of the Defendant the sum of SIX THOUSAND TWENTY AND NO/100 DOLLARS (\$6,020.00) for this, that on or about, to-wit, March 26, 1958, the Defendant, acting by and through his servants, agents or employees, acting within the line and scope of their authority as such servants, agents or employees, did enter upon the following described property situated in Baldwin County, Alabama, to-wit:

Begin at the Southeast corner of Section 40, Township 3 South, Range 2 East, and run thence North 2 degrees West 2437 feet, more or less, to the point where the East line of the said Section 40 intersects the South line of Bayou Wiltz; thence South-westwardly along Bayou Wiltz and following the meanders thereof to the point where the said Bayou intersects the South line of the said Section 40; run thence South 85 degrees East 2193 feet, more or less, to the point or place of beginning, and containing 55 acres, more or less,

and did willfully and knowingly cut therefrom three hundred one (301) pine trees, without the consent of the owner of said premises, and the Plaintiff avers that at the time of the cutting of said 301 pine trees, Plaintiff had the legal title to and was in the possession of said premises.


Attorney for Plaintiff.

Plaintiff demands a trial
of said cause by Jury.


Attorney for Plaintiff.

3799

SUMMONS AND COMPLAINT

J. L. RUPLE,

Plaintiff,

vs.

THOMAS GIVENS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

FILED
MAR 21 1959
ALICE J. DUCK, Clerk

JAMES R. OWEN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

Received 21 day of March 1959
and on 24 day of March 1959
served a copy of the within 2 C
on Thomas Givens

By service on _____

TAYLOR WILKINS, Sheriff

By Edlough Steadman D. S.

Elsamor, Ala

Sheriff claims 60 miles at 20
Ten Cents per mile Total \$ 12.00
TAYLOR WILKINS, Sheriff
BY Edlough Steadman
DEPUTY SHERIFF

we the Jury find for the
Plaintiff Six Damages on ~~all~~
Counts \$ 161.00

Norman Duck
foreman

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

JOHN CHASON
NORBORNE C. STONE, JR.

PHONE 3641

March 4, 1960

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

3744

Dear Mrs. Duck:

Re: Ruple vs. Givens

Would you please withdraw the appearance of this firm as
attorneys for the Plaintiff in the above styled cause.

Def't

We are sending Mr. Givens a copy of this letter.

Yours very truly,

CHASON & STONE

By: *Norborne C. Stone, Jr.*

NCS:bw

CC: Mr. Thomas Givens
Robertsdale, Alabama

J. L. RUPLE,

Plaintiff,

vs.

THOMAS GIVENS,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3799

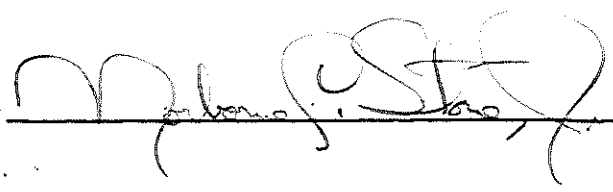
DEMURRER

Comes now the Defendant in the above styled cause, by his attorneys, and demurs to the complaint heretofore filed against him and to each count thereof, separately and severally, and assigns the following separate and several grounds:

1. The complaint fails to state a cause of action.
2. "COUNT TWO" of the complaint fails to allege that the trespass therein complained of was committed by the Defendant or his agents, servants or employees while acting within the line and scope of their employment.

Respectfully submitted,

CHASON & STONE

By: 

Filed
4-16-59

J. L. RUPLE,
Plaintiff,

vs.

THOMAS GIVENS,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 3799

DEMURRER

FILED

APR 16 1959

ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA