

STATE OF ALABAMA, }  
COUNTY OF BALDWIN. }

ROBERT HINOTE, }  
Plaintiff, }  
vs }  
W. D. STAPLETON, }  
Defendant. }

CIRCUIT COURT

NO. \_\_\_\_\_

SUMMONS

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. D. STAPLETON 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 ROBERT HINOTE.

Witness my hand, this 24 day of June, 1937

D. M. McMillan  
Clerk

STATE OF ALABAMA, }  
COUNTY OF BALDWIN. }

ROBERT HINOTE, }  
Plaintiff, }  
vs }  
W. D. STAPLETON, }  
Defendant. }

CIRCUIT COURT OF BALDWIN COUNTY

COMPLAINT

COUNT ONE

Plaintiff claims of the defendant one thousand dollars (\$1,000.00) damages for unlawfully causing the plaintiff to be imprisoned in jail at Bay Minette, Alabama, on complaint charging that "Robert hinote knowingly entered upon the land of W. D. Stapleton and cut down wood or timber growing thereon, with intent to remove and appropriate the same to his own use," and arrested on a warrant on a charge of "cutting and removing timber from the land of another;" that said arrest occurred on the 13th day of July, 1931, and said plaintiff was detained for a period of fourteen days in jail.

COUNT TWO

Plaintiff claims of the defendant the sum of one thousand dollars (\$1,000.00) for unlawfully causing the plaintiff to be arrested on a charge of "cutting and removing timber from the land of another," and imprisoned in jail at Bay Minette, Alabama, on complaint charging that "Robert Hinote knowingly entered upon the land of W. D. Stapleton and cut down wood or timber growing thereon, with intent to remove and appropriate the same to his own use," and that on the 13th day of July, 1931, the said defendant herein obtained a warrant for the arrest of this plaintiff, charging him as aforesaid, and caused this plaintiff to be imprisoned in the jail at Bay Minette, Alabama, for fourteen days, greatly to his humiliation and shame, and the damages as aforesaid.

COUNT THREE

Plaintiff claims of the defendant one thousand dollars (\$1,000.00) damages for unlawfully causing the plaintiff to be arrested on a charge of "cutting and removing timber from land of another," which said timber was claimed to be the property of the defendant, and imprisoned on complaint that "Robert Hinote knowingly entered upon the land of W. D. Stapleton and cut down wood or timber growing thereon, with intent to remove and appropriate the same to his own use." Plaintiff states the true facts to be that said timber was the property of the plaintiff and that the defendant swore out a warrant and caused him to be arrested and incarcerated in the county jail at Bay Minette, Alabama, for a period of fourteen days. Said arrest was made on the 13th day of July, 1931, to the damage of the plaintiff as aforesaid.

F. F. McMillan  
Attorney General

Original

RECORDED

STATE OF ALABAMA, }  
COUNTY OF BALDWIN. }

ROBERT HINOTE,  
Plaintiff, }

VS

W. D. STAPLETON,  
Defendant. }

SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY

NO.

*Filed June 9th 1932*  
*J. M. McCreary*

F. F. Nelson  
Attorney for Plaintiff

Executed this the  
11<sup>th</sup> of June 1932

By serving a  
copy of the within  
Summons <sup>complaint</sup> on W. D.  
Stapleton the  
Def.

*MR Stuart*  
*Shff.*

*By J. B. Nelson*  
*D.S.*

STATE OF ALABAMA, )  
COUNTY OF BALDWIN.)

ROBERT HINOTE,  
Plaintiff,

VS

W. D. STAPLETON,  
Defendant.

IN THE CIRCUIT COURT

NO. \_\_\_\_\_

In the Summons and Complaint filed in the case wherein Robert Hinote is plaintiff and W. D. Stapleton defendant, notice is hereby given that the plaintiff in the above entitled cause demands a trial by jury. This Summons and Complaint was filed on or about June 8, 1932.

*F. F. Keenan*  
\_\_\_\_\_  
Attorney for Plaintiff

RECEIVED

on or about June 8, 1932.

defendants as first by jury. This summons and complaint was filed

is hereby given that the plaintiff in the above entitled case

Robert Hinoja is defendant and W. D. Stableron defendant, notice

in the summons and complaint filed in the case number

W. D. STABLERON, Defendant.

AS

ROBERT HINOJA, Plaintiff.

COUNTY OF BAYLOR.

STATE OF TEXAS.

Filed June 14, 1932  
D. Richardson  
Clerk

NO.

IN THE CIRCUIT COURT

Attorney for Plaintiff

*[Handwritten signature]*

STATE OF ALABAMA, )  
COUNTY OF BALDWIN.)

ROBERT HINOTE, )  
Plaintiff, )  
VS )  
W. D. STAPLETON, )  
Defendant. )

IN THE CIRCUIT COURT

NO. \_\_\_\_\_

In the Summons and Complaint filed in the case wherein Robert Hinote is plaintiff and W. D. Stapleton defendant, notice is hereby given that the plaintiff in the above entitled cause demands a trial by jury. This Summons and Complaint was filed on or about June 8, 1932.

F. F. Nelson  
Attorney for Plaintiff

ROBERT HINOTE.

Plaintiff,

-vs-

W. D. STAPLETON,

Defendant.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Now comes the Defendant and files this his Demurrer to the Complaint in this cause, and assigns separately and severally the following grounds of demurrer as to each count thereof:-

(A) It is not alleged that the Defendant did not have probable cause for having Plaintiff arrested.

(B) It is not alleged that Plaintiff was not arrested by a proper officer under a warrant legal on its face and issued by proper authority.

(C) It is not alleged that a valid warrant was not issued by a competent court, based upon a sufficient Affidavit of a probable cause.

(D) It is not alleged that Defendant was not legally arrested or legally restrained.

*Hybert Hurd O'Cheson*  
Attorneys for Defendant.

ROBERT HINOTE,

Plaintiff,

-vs-

W. D. STAPLETON,

Defendant.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Now comes the Defendant and files this his demurrer to the Complaint in this cause, and assigns, separately and severally, the following grounds to each count thereof:-

FIRST:

That said count does not state a cause of action.

SECOND:

That there is a <sup>74</sup>disjoinder in Count Two of said Complaint of malicious prosecution and false imprisonment.

THIRD:

That said Count Two is confusing.

FOURTH:

That said Count Two is inconsistent and repugnant.

FIFTH:

That there is a <sup>74</sup>disjoinder of cause of action in Count Three of said Complaint.

SIXTH:

That said Count Three is inconsistent and repugnant.

SEVENTH:

That the allegations contained in said Count Three are confusing.

EIGHTH:

That the said allegations contained in Count Three are not understandable.

*Hybart Heard & Chason*  
Attorneys for Defendant.

Defendant demands trial by  
Jury.

*Hybart Heard & Chason*  
Attorneys for Defendant.