

SHEP BOYINGTON,

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 ~~dis~~joinder 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 ~~dis~~joinder 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.

Hyatt, Hand & Cheson
Attorneys for Defendant.

Defendant demands trial by Jury.

Hyatt, Hand & Cheson
Attorneys for Defendant.

SHEP BOYINGTON'

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.

Hyatt, Ward & Chason
Attorneys for Defendant.

STATE OF ALABAMA, }
COUNTY OF BALDWIN. }

SHEP BOYINGTON, }
Plaintiff, }
VS
W. D. STAPLETON, }
Defendant. }

IN THE 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 SHEP BOYINGTON.

Witness my hand, this 14 day of June, 1933
W. M. Nicholson
Clerk

STATE OF ALABAMA, }
COUNTY OF BALDWIN. }

SHEP BOYINGTON, }
Plaintiff, }
VS
W. D. STAPLETON, }
Defendant. }

IN THE 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 "Shep Boyington, 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 lands of another;" that said arrest occurred on the 13th day of July, 1931, and said plaintiff was detained for a period of five 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 lands of another," and imprisoned in jail at Bay Minette, Alabama, on complaint charging that "Shep Boyington, 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 five 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 lands of another," which said timber was claimed to be the property of the defendant, and imprisoned on complaint that "Shep Boyington, 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 five days. Said arrest was made on the 13th day of July, 1931, to the damage of the plaintiff as aforesaid.

Plaintiff demands
trial by jury.

W. M. Nicholson

Summons & Complaint
Ship Boyington
vs
W.W. Stapleton.

RECORDED

Filed June 14, 1932
S.M. Richardson
Clerk

Executed 14th June 1932
by serving copy of within Summons and
Complaint on

W.W. Stapleton
the Defendant.

M.R. Stuart Sheriff
by J.B. Wilson Deputy Sheriff

H. F. Nelson
Attorney for Plaintiff