

LEONARD BOYETTE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
Cadwallaber Brock,	X	AT LAW
Defendant.	X	5551

Whereas, the Plaintiff, Leonard Boyette, in the above stated cause, sued out in said Court a writ of attachment against the estate of the Defendant, Cadwallaber Brock; and whereas, said writ of attachment was executed by the Sheriff of Baldwin County, Alabama, on the 5th day of December, 1963, by levying upon the following described property of the Defendant, to-wit:

The Southwest quarter of the Southeast quarter of Section 11, Township 5 South, Range 6 East.

And, whereas the said Defendant is a nonresident of the State of Alabama and that the place of residence and post office address of said Defendant is 2125 North Palafox Street, Pensacola, Florida.

Now, therefore, the Defendant, Cadwallaber Brock, is hereby notified of the issuance of said attachment and the execution thereof, and to be and appear if he thinks proper, to defend said suit at the present term of said Court and within thirty days after this notice by publication is completed.

Witness my hand, this the 6 day of December, 1963.

Alicia J. Duck  
Clerk

December 5, 1963. Copy of above notice mailed to defendant at above address.

Alicia J. Duck  
Clerk

December 5, 1963. Copy of above notice delivered to Baldwin Times, a newspaper, to be published once a week for three consecutive weeks.

Alicia J. Duck  
Clerk

LEONARD BOYETT,	Ø	
	Ø	IN THE CIRCUIT COURT OF
Plaintiff,	Ø	
vs.	Ø	BALDWIN COUNTY, ALABAMA
	Ø	
DR. CADWALLABER BROCK,	Ø	AT LAW NO. 5551
Defendant.	Ø	


DEMURRER

Comes the Defendant in the above styled cause and demurs to the complaint filed in said cause, 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 state how or in what manner the Defendant caused the arrest of the Plaintiff.
3. That said complaint is vague and indefinite.
4. That said complaint does not allege that the Defendant signed any affidavit in connection with such arrest.
5. That the complaint alleges that the Plaintiff was arrested under a warranty issued by G. D. Hines but it does not allege who signed the affidavit and it is evident that this allegation intends to refer to a warrant rather than to a warranty.
6. That the allegation that the charge had been judicially investigated fails to state who had investigated it.
7. That the complaint fails to allege who caused the prosecution to be ended.
8. That said complaint does not allege who discharged the Plaintiff.
9. That the complaint does not contain sufficient allegations of malice and is not a proper complaint for malicious prosecution.
10. That said complaint does not state a good charge as to a false arrest.
11. That said complaint does not allege wherein the Plain-

tiff has been damaged.

12. That said complaint does not allege any duty owing by the Defendant to the Plaintiff.

  
Attorney for Defendant

FILED

DEC 23 1963

ALICE L. DUCK, CLERK  
REGISTER

LEONARD BOYETT,

Plaintiff,

vs

DR. CADWALLABER BROCK,

Defendant

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5551

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

LEONARD BOYETT,	Ø	
Plaintiff,	Ø	IN THE CIRCUIT COURT OF
vs.	Ø	
DR. CADWALLABER BROCK,	Ø	BALDWIN COUNTY, ALABAMA
Defendant.	Ø	AT LAW NO. 5551
	Ø	

Comes the Defendant in the above styled cause, acting by and through John Chason as his attorney, and files his unqualified appearance in said cause and prays that the attachment heretofore issued in said cause be dismissed.

  
 Attorney for Defendant

FILED  
 DEC 28 1963  
 HILL J. DICK, CLERK  
 REGISTER

5551

LEONARD BOYETT,  
Plaintiff,

vs.

DR. CADWALLABER BROCK,  
Defendant

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

\* \* \* \* \*

LEONARD BOYETT,

Plaintiff,

vs.

DR. CADWALLABER BROCK,

Defendant.

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§

§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5551

PLEAS:

Comes the Defendant in the above styled cause, and for plea to the complaint filed in said cause, says:

1. Not guilty.

2. That the allegations of the complaint are untrue.

3. That the Defendant and the Plaintiff are both residents of the State of Florida and the Defendant is not acquainted with the laws of procedure in the State of Alabama. That on July 14, 1962, he owned a tract of land located in Baldwin County, Alabama, on which he was growing watermellons. That many of the watermellons which he had grown on his land were being taken away without his permission and he had probable cause for believing that the Plaintiff was taking such mellons or was causing them to be taken. That he consulted with G. D. Hines, a Justice of the Peace, Beat 4, Baldwin County, Alabama, in regard to his loss of such mellons and upon the advice of the said G. D. Hines, he signed a complaint in which he charged that the Plaintiff did take and carry away such mellons without his permission. That he also appeared before the Grand Jury of Baldwin County, Alabama, at the request of Jim Hendrix, County Solicitor of Baldwin County, Alabama, but that the Plaintiff was not indicted by such Grand Jury for reasons unknown to the Defendant.

FILED

FEB 3 1964

ALICE J. DUCK, CLERK  
REGISTER

*James Stone & James*  
Attorneys for Defendant.

LEONARD BOYETT,

Plaintiff,

VS

DR. CADWALLABER BROCK,

Defendant

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5551

\* \* \* \* \*

PLEAS

\* \* \* \* \*

FILED  
FEB 3 1950  
ALICE J. DUCK, CLERK  
REGISTER



5557

*Circuit*

# The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher

## AFFIDAVIT OF PUBLICATION

**LEGAL NOTICE**  
**LEONARD BOYETTE,**  
 Plaintiff,  
 vs.  
**CADWALLADER BROCK,**  
 Defendant.  
**IN THE CIRCUIT COURT OF**  
**BALDWIN COUNTY, ALABAMA**  
**AT LAW**

Whereas, the Plaintiff, Leonard Boyette, in the above stated case, sued out in said Court a writ of attachment against the estate of the Defendant, Cadwallader Brock; and whereas, said writ of attachment was executed by the Sheriff of Baldwin County, Alabama, on the 5th day of December, 1963, by levying upon the following described property of the Defendant, to-wit:

The Southwest quarter of the Southeast quarter of Section 11, Township 5 South, Range 6 East. And, whereas the said Defendant is a non-resident of the State of Alabama and that the place of residence and post office address of said Defendant is 2125 North Palafox Street, Pensacola, Florida.

Now, therefore, the Defendant, Cadwallader Brock, is hereby notified of the issuance of said attachment and the execution thereof, and to be and appear if he thinks proper, to defend said suit at the present term of said Court and within thirty days after this notice by publication is completed.

Witness my hand, this the 6 day of December, 1963.  
**ALICE J. DUCK**  
 Clerk

December 5, 1963. Copy of above notice mailed to defendant at above address.

STATE OF ALABAMA,  
BALDWIN COUNTY.

J. H. Faulkner Jr., being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Boyette vs. Brock

### COST STATEMENT

237 WORDS @ 5 cents — — — \$ 1.18  
I hereby certify this is correct, due and unpaid (paid)

[Signature]  
Editor.

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication Dec 12, 1963 Vol. 24 No. 49

Date of 2nd publication Dec 19, 1963 Vol. 24 No. 50

Date of 3rd publication Dec 26, 1963 Vol. 24 No. 51

Date of 4th publication \_\_\_\_\_, 19\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_

Subscribed and sworn before the undersigned this 30 day of Dec, 1963

Dorothy Martin  
Notary Public, Baldwin County.

FILED

Jan 2 1964  
**ALICE J. DUCK,**  
 CLERK  
 REGISTER

[Signature]  
Editor.

LEONARD BOYETT,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
DR. CADWALLABER BROCK,	X	AT LAW
Defendant.	X	CASE NO. 5551

DEMURRER

Comes now the Plaintiff in the above styled cause and files the following demurs to Defendant's Plea No. 3:

1.

This plea is duplicitious.

2.

This plea is frivolous.

3.

This plea is no defense to the suit filed by the Plaintiff.

4.

This plea is a conclusion of the pleader.

WILTERS, BRANTLEY & NESBIT

BY:

Phyllis S. Nesbit  
Attorney for the Plaintiff

FILED  
FEB 10 1964  
ALICE L. DUCK, CLERK  
REGISTER

STATE OF ALABAMA )

BALDWIN COUNTY )

) To Any Sheriff of the State of Alabama--GREETINGS:

Whereas, Leonard Boyette hath complained on oath to me, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, that Dr. Cadwallaber Brock is justly indebted to Leonard Boyette in the sum of \$25,000.00; and the said Leonard Boyette having caused to be made affidavit as required by law in such cases: You are hereby commanded to attach so much of the estate of said Dr. Cadwallaber Brock as will be of value to satisfy the said debt and costs according to the complaint; and such estate, unless replevied so to secure that the same may be liable to further proceedings thereon, to be had at the present session of the Circuit Court of Baldwin County, to be held at the Court House thereof, when and where you must make known how you have executed this writ.

Witness my hand, this the 2nd day of Dec, 1963.

Alice J. Duck  
Circuit Clerk

The defendant being non-resident of Alabama, no bond is required of the Plaintiff, This 2 day of Dec, 1963.

Alice J. Duck  
Circuit Clerk

STATE OF Florida

COUNTY OF Escambia

Personally appeared before me, Josephine Brundage, a Notary Public, in and for said County, in said State, Leonard Boyette, who being duly sworn, deposes and says:

That he is the plaintiff in that certain suit filed against Dr. Cadwallaber Brock in the Circuit Court of Baldwin County, Alabama; that an attachment has been requested in aid of said suit; that said suit is for personal damage to plaintiff, all of which were sustained when Dr. Cadwallaber Brock, the defendant in said suit, did maliciously and without probable cause have the Plaintiff arrested under a warrant issued by G. D. Hines, Justice of Peace of Baldwin County, on the 14th day of July, 1962, on a charge of grand larceny, which charge, before the commencement of this action, was judicially investigated and the prosecution was ended and the Plaintiff was discharged.

That the news of plaintiff's arrest was published in the Pensacola News Journal which has an approximate circulation of 80,000 in the area where the plaintiff and his family reside; that as a direct result of the malicious prosecution of the defendant, the plaintiff was caused to suffer much humiliation and embarrassment and was caused to lose his job with the United States Naval Air Station in Pensacola as of March 29, 1963.

Leonard Boyette

STATE OF Florida  
COUNTY OF Escambia

Before me, Josephine Brundage, a Notary Public, in and for said County, in said State, personally appeared Leonard Boyette, whose name is signed to the foregoing affidavit and who is known to me, who upon oath deposes and says that the facts stated in said affidavit are true and correct.

Leonard Boyette

Sworn to and subscribed before me this 23 day of Nov, 1963.

FILED

DEC 2 1963

ALICE J. DUCK, CLERK  
REGISTER

38

Notary Public

My Commission expires: 2-1-67

STATE OF ALABAMA

BAIRDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Dr. Cadwallaber Brock, to appear and plead, answer or demur within thirty days from the service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, by Leonard Boyett.

Witness my hand this the 25 day of Apr, 1963.

Clerk

LEONARD BOYETT

Plaintiff

Vs

DR. CADWALLABER BROCK

Defendant

IN THE CIRCUIT COURT OF

BAIRDWIN COUNTY, ALABAMA

AT LAW

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

1.

The Plaintiff claims of the Defendant TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), damages for maliciously and without probable cause therefor, causing the Plaintiff to be arrested under a warranty issued by G. D. Hines, Justice of Peace, on the 14th day of July, 1962, on a charge of Grand Larceny, which charge, before the commencement of this action, has been judicially investigated and said prosecution ended, and the Plaintiff discharged.

WILTERS, BRANLEY & NESBIT

BY:

Phyllis S. Nesbit  
Attorneys for the Plaintiff

No. \_\_\_\_\_

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

LEONARD BOYETT

Plaintiff,

Vs

DR. CADWALLADER BROCK

Defendant

SUMMONS AND COMPLAINT

Walters, Brantley & Nesbitt  
Box 555  
Robertsdale, Alabama

Plaintiff's Attorneys

Defendant's Attorney

FILED  
JAN 10 1963  
CLERK OF COURT

RECEIVED  
JAN 10 1963  
CLERK OF COURT

RECEIVED  
JAN 10 1963  
CLERK OF COURT

RECEIVED  
JAN 10 1963  
CLERK OF COURT

RECEIVED  
JAN 10 1963  
CLERK OF COURT

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Dr. Cadwallaber Brock, to appear and plead, answer or demur within thirty days from the service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, by Leonard Boyett.

Witness my hand this the 15 day of Apr, 1963.

Alice J. Duck  
Clerk

LEONARD BOYETT  
Plaintiff

Vs

DR. CADWALLABER BROCK  
Defendant

Ø IN THE CIRCUIT COURT OF  
Ø BALDWIN COUNTY, ALABAMA  
Ø AT LAW  
Ø NO. \_\_\_\_\_

1.

The Plaintiff claims of the Defendant TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), damages for maliciously and without probable cause therefor, causing the Plaintiff to be arrested under a warrant issued by G. D. Hines, Justice of Peace, on the 14th day of July, 1962, on a charge of Grand Larceny, which charge, before the commencement of this action, has been judicially investigated, and said prosecution ended, and the Plaintiff discharged.

WILTERS, BRANTLEY & NESBIT

BY: Phyllis J. Nesbit  
Attorneys for the Plaintiff

Recalled

FILED

APR 25 1963

ALICE J. DUCK, Clerk  
RECORDED

Received 25 day of April 1963  
and on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
served a copy of the within S & C  
Dr. Cadwallader Brock  
\_\_\_\_\_ service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By \_\_\_\_\_ D. S.

*Recalled By  
Brantley*

No. 5537

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

LEONARD BOYETT

Plaintiff

Vs

DR. CADWALLADER BROCK

Defendant

SUMMONS AND COMPLAINT

Witlers, Brantley & Nesbit  
Box 555  
Robertsdale, Alabama

Plaintiff's Attorneys

Defendant's Attorney

**FILED**

APR 25 1963

JOHN L. DICK, CLERK  
REGISTER



Southwest quarter of Southeast quarter of  
Section 11, Township 5 South, Range 6 East. 40 acres

C. and Ruth Brock  
2125 N. Palafox Street  
Pensacola, Florida

*File with  
case 535  
11*