

502

CURLEE CLOTHING COMPANY,
a Corporation,

Plaintiff,

VS.

NORTHCUTT, YOUNG AND COMPANY,
a Partnership composed of J. E.
Young and S. M. Tharp, and J. E.
Young and S. M. Tharp, Individually,

Defendants.

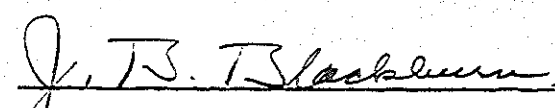
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 9398.

MOTION TO QUASH.

Comes S. M. Tharp, Defendant, in the above entitled cause, and moves the Court to quash and set aside the writ of garnishment issued in this cause by R. S. Duck, Circuit Clerk, by Nan Alice Thompson, Deputy Clerk, on to-wit, February 13, 1939, and as grounds therefor sets down and assigns the following separate and several reasons, to-wit:

1. The Circuit Court of Baldwin County, Alabama, has not rendered any judgment in favor of Plaintiff and against the Defendant.
2. The said writ of garnishment is predicated on a judgment which does not exist.
3. The minutes of the Circuit Court of Baldwin County, Alabama, do not show the rendition or existence of a judgment rendered on April 12, 1932, in favor of Curlee Clothing Company, a Corporation, as Plaintiff and against Northcutt, Young and Company, a Partnership composed of J. E. Young and S. M. Tharp and J. E. Young and S. M. Tharp, Individually, as Defendants, for the sum of \$752.50 and \$15.05 costs.
4. The said writ of garnishment is void on its face.


Attorney for Movant.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared S. M. Tharp, who, after being by me first duly and legally sworn, deposes and says: That he is the movant in the foregoing motion; that he has read the allegations

thereof and that the same are true.

Sam Sharp

Sworn to and subscribed before me
on this the 17th day of February, 1939.

Ora Simon

Notary Public, Baldwin County, Alabama.

The above and foregoing Motion having been presented to me on this date it is ORDERED that the same be and it hereby is set for hearing at Bay Minette, Alabama, on Thursday, March 2, 1939. IT IS FURTHER ORDERED that Monette and Taylor, Attorneys for the Curlee Clothing Company, a Corporation, have one day's notice of the day set for hearing the said motion.

Dated this 24th day of February, 1939.

A. W. Stare

Judge.

MOTION TO QUASH.

CURLLEE CLOTHING COMPANY, a
Corporation,

Plaintiff,

VS.

NORTHCUTT, YOUNG AND COMPANY,
a Partnership composed of J. E.
Young and S. M. Tharp, and J. E.
Young and S. M. Tharp, Individ-
ually,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NUMBER 9398.

Filed February 24, 1939
R. S. DUCK

clerk - registry

By *Paul H. Young*
Attorney

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

STATE OF ALABAMA)
)
BALDWIN COUNTY)

CURLEE CLOTHING COMPANY,
a corporation,

Plaintiff,

Vs.

NORTHUCUTT, YOUNG & COMPANY,
a partnership composed of J. E.
Young and S. M. Tharp, and J. E.
YOUNG and S. M. THARP, indivi-
dually,

Defendants.

In the Circuit Court of
Baldwin County, Alabama.

No. 9398.

MOTION TO AMEND JUDGMENT NUNC PRO TUNC.

Comes the plaintiff in the above styled cause and
represents unto the court as follows:

That on March 18th, 1932, while the above styled
cause was pending in this Court, plaintiff and defendants en-
tered into an agreement in writing for judgment to be entered
in favor of the plaintiff and against the defendants in this
case; that on to-wit, the 6th day of April, 1932, the said
agreement was filed with the clerk of the court in this cause:

That on April 12th, 1932, this Court rendered a
judgment in this cause, the judgment entry reading as follows:
"4/12/32; Judgment by consent for Plaintiff, & damages
assessed at \$752.50.";

That subsequent thereto a certificate of the judgment
was issued by T. W. Richardson, Clerk of the Circuit Court
of Baldwin County, Alabama, setting out in said certificate
that a judgment was rendered in said cause on the 12th day of
April, 1932, in favor of the plaintiff and against the defen-
dants as styled above and said certificate of judgment was filed
in the Office of the Judge of Probate on the 19th day of Decem-
ber, 1932, at 10 o'clock A. M., and duly recorded in Judgment
Book No. 2, Page 301:

That subsequent thereto, execution was issued by the
clerk of the court against the defendants and placed in the hands

of the sheriff and returned, "No property found";.

That on to-wit, December 11th, 1937, or thereabout, another execution was issued by the clerk of the court against the defendants and placed in the hands of the sheriff for execution and execution was levied on certain properties of the defendant, S. M. Tharp, and on to-wit, the 19th day of January, 1938, the defendant, S. M. Tharp, filed claim of exemptions to property levied upon by the sheriff under execution in said cause;

And that it appears that the clerk of the court has overlooked or for some reason failed to prepare and write in the records of said court a minute entry of said judgment.

THE PREMISES CONSIDERED, Plaintiff moves the court to enter an order herein directing the clerk to write in the ~~minute records of this court~~ a minute entry of said judgment nunc pro tunc.

Respectfully submitted,

Mouette Taylor & Jeffery
Attorneys for Plaintiff.

We hereby certify that a copy of the foregoing motion has this

day been mailed to J. B. Blackburn, attorney for defendant, *and that the foregoing motion will be called to the attention of the Court at*
S. M. Tharp *9:00 AM. March 2, 1939,*
Dated this the 1st day of March, 1939.

Mouette Taylor & Jeffery
Attorneys for Plaintiff.

#-9398

Carlee Clothing Co
corp. 12 1/2 St

Northwest Young & Company
apartments, 1115 Congress St
SE Young and S W Sharp,
and J. E. Young and
S W Sharp individually
Deposits

Motion to amend
Judgment - Name Pro
Hume.

Filed March 3, 1938

R. S. DUCK

clerk, regular

By Handwritten Signature
Deputy

TO MONETTE AND TAYLOR, ATTORNEYS FOR CURLEE CLOTHING COMPANY, a Corporation:

You are hereby notified that the attached Motion which was filed in this Court by S. M. Tharp on February 24, 1939, has been set down for hearing at Bay Minette, Alabama, on Thursday, March 2, 1939.

In witness whereof, I have hereunto set my hand on this the 24th day of February, 1939.

R. S. Duchs

Clerk of the Circuit Court, Baldwin
County, Alabama.

By - Justice Thompson, Deputy Clerk

CURLEE CLOTHING COMPANY,
a Corporation,

Plaintiff,

VS.

NORTHCUTT, YOUNG AND COMPANY,
a Partnership composed of J. E.
Young and S. M. Tharp, and J. E.
Young and S. M. Tharp, Individually,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER 9398.

MOTION TO QUASH.

Comes S. M. Tharp, Defendant, in the above entitled cause, and moves the Court to quash and set aside the writ of garnishment issued in this cause by R. S. Duck, Circuit Clerk, by Nan Alice Thompson, Deputy Clerk, on to-wit, February 13, 1939, and as grounds therefor sets down and assigns the following separate and several reasons, to-wit:

1. The Circuit Court of Baldwin County, Alabama, has not rendered any judgment in favor of Plaintiff and against the Defendant.
2. The said writ of garnishment is predicated on a judgment which does not exist.
3. The minutes of the Circuit Court of Baldwin County, Alabama, do not show the rendition or existence of a judgment rendered on April 12, 1932, in favor of Curlee Clothing Company, a Corporation, as Plaintiff and against Northcutt, Young and Company, a Partnership composed of J. E. Young and S. M. Tharp and J. E. Young and S. M. Tharp, Individually, as Defendants, for the sum of \$752.50 and \$15.05 costs.
4. The said writ of garnishment is void on its face.

J. B. Blackburn

Attorney for Movant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared S. M. Tharp, who, after being by me first duly and legally sworn, deposes and says: That he is the movant in the foregoing motion; that he has read the allegations

thereof and that the same are true.

S. M. Tharp

Sworn to and subscribed before me
on this the 17th day of February, 1939.

Ora Sirmion

Notary Public, Baldwin County, Alabama.

The above and foregoing Motion having been presented to
me on this date it is ORDERED that the same be and it hereby is set
for hearing at Bay Minette, Alabama, on Thursday, March 2, 1939. IT
IS FURTHER ORDERED that Monette and Taylor, Attorneys for the Curlee
Clothing Company, a Corporation, have one day's notice of the day set
for hearing the said motion.

Dated this 24th day of February, 1939.

AT LAW. NUMBER 3333.
BALDWIN COUNTY, ALABAMA.
IN THE CIRCUIT COURT OF

Defendants.

YOUNG and S. M. Tharp, 1891.
YOUNG and S. M. Tharp, 1891.
a Partnership composed of
MONNETTE, YOUNG AND COMPANY

VS.

PLAINTIFF
A CORPORATION,
CURLEE CLOTHING COMPANY.

MOTION TO OVERTHROW

[Signature]

RECORDED
JANUARY 15 1939
HARRIS E. SMITH, Sheriff
leaving a copy of the within with
me of the
183
15

EXECUTED this the 27 day of Feb 1933
by leaving a copy of the within with
Monette & Taylor attys
HARRY E. SMITH, Sheriff,
Jefferson Co., Ala.
By B. M. Edwards D.S.

RECORDED

Original

MOTION TO QUASH.

CURLEE CLOTHING COMPANY,
a Corporation,

Plaintiff,

VS.

NORTHCUTT, YOUNG AND COMPANY, E.
a Partnership composed of J. E.
Young and S. M. Tharp, and J. E.
Young and S. M. Tharp, individually

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 9398.

Dated this 24th day of February, 1933.

The above and foregoing Motion having been presented to me on this date it is ORDERED that the same be and it hereby is set for hearing at Bay Minette, Alabama, on Thursday, March 2, 1933. IT IS FURTHER ORDERED that Monette and Taylor, Attorneys for the Curlee Clothing Company, a Corporation, have one day's notice of the day set for hearing the said motion.

Sworn to and subscribed before me on this 17th day of February, 1933.

Ore Simon

Notary Public, Baldwin County, Alabama.

S. M. Tharp

thereof and that the same are true.

AFFIDAVIT IN GARNISHMENT ON JUDGMENT

The State of Alabama,

JEFFERSON COUNTY.

BALDWIN

CIRCUIT COURT

Tenth Judicial Circuit of Alabama

BALDWIN COUNTY

Before me the undersigned authority, personally appeared George I. Case, Jr.

who being duly sworn deposes and says that

Curlee Clothing Company, a corporation, Plaintiff,

recovered a judgment on the 12th day of April 1932, in said Circuit Court,
Northcutt, Young & Co., a partnership composed of J. E. Young
against and S. M. Tharp, and J. E. Young & S. M. Tharp, individually, Defendant,

for the sum of Seven Hundred Fifty-Two & 50/100 (\$752.50) Dollars,
Judgment Entitled to credit of \$130.00.
together with the further sum of Fifteen and 05/100 (\$15.05) Dollars, costs,

and that S. F. HOLMES, Custodian of School Funds of Baldwin County,

Alabama.

has or is believed to have in its possession or under its control, money or effects belonging to the
Defendant or to be liable to him on a contract for the delivery of personal property or on a contract
for the payment of money which may be discharged by the delivery of personal property, or which is payable
in personal property, and affiant further says that he believes that process of Garnishment is necessary to obtain
satisfaction of said judgment.

Subscribed and sworn to before me, this 11th day of February 1939

[Signature]
Clerk - Notary Public.

[Signature]

RECORDED
Garnishment No. _____

Original No. _____

The State of Alabama,

JEFFERSON COUNTY.

**CIRCUIT COURT
AFFIDAVIT IN GARNISHMENT
ON JUDGMENT**

Curlee Clothing Company, a

corporation.

vs.

Plaintiff.

S. M. Tharp

Defendant.

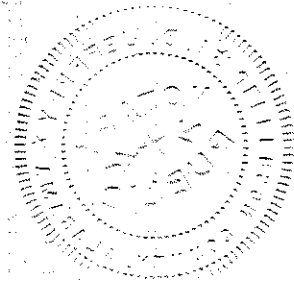
Garnishee.

Filed in the office of the Clerk
of the Circuit Court, Jefferson County, this

Baldwin
12 day of February 1938

R. E. Dwyer
Clerk

By Hon. J. H. Thompson, J. J. Chisholm
Monette, Taylor & Jeffrey
Plaintiff's Attorney.



CURLEE CLOTHING COMPANY, A CORPORATION,

VS.

NORTHCUTT, YOUNG AND COMPANY, A PARTNER*

SHIP COMPOSED OF J. E. YOUNG AND S. M. THARP,

AND J. E. YOUNG AND S. M. THARP, INDIVIDUALLY.)

)
) IN THE CIRCUIT COURT
) OF BALDWIN COUNTY, ALA

)
) Law Side.
)

In this cause, it is made to appear to the Court that on the 12th day of April, 1932, a judgment was rendered in favor of the plaintiff against the defendants in the sum of \$752.50, but that the Clerk of the Court failed to enter a judgment of record, all of which appears by record and quasi-record evidence.

IT IS THEREFORE ORDERED by the Court that the Clerk of this Court enter on the Minutes of the court a judgment for the ~~Curlee~~ Clothing Company, a Corporation, plaintiff, vs. Northcutt, Young & Company, a partnership, and also against J. E. Young and S. M. Tharp, individually, in the sum of \$752.50, as aforesaid, said judgment to bear the date of April 12th., 1932.

This 25th day of January, 1940.

J. M. Hale

JUDGE

10000
[Handwritten signature]

THESE ARE THE TERMS OF AGREEMENT

1895

as proposed, with reference to the case of the year 1895.
1. E. Adams and S. H. Smith, proprietors, in the year of 1895, do
hereby agree to combine in a partnership, and also to share
the profits and losses of the same, in proportion to the capital
of each.

It is hereby agreed that the capital of the partnership shall be
divided into two equal parts, one part to be paid by each partner
in cash, and the other part to be paid by each partner in kind, to
be determined by the partners. The capital of the partnership shall be
used for the purpose of carrying on the business of the partnership.
It is further agreed that the partners shall share equally in the
profits and losses of the partnership, and shall have an equal say
in the management of the same.

*Order for Judgment
made 18th June 1895*

Minutes 9.
page 103
RECORDED

THESE ARE THE TERMS OF AGREEMENT
BETWEEN THE PARTIES
1895

THESE ARE THE
TERMS OF AGREEMENT
BETWEEN THE PARTIES

The State of Alabama }
 JEFFERSON COUNTY }
 BALDWIN

CIRCUIT COURT
~~TENTH JUDICIAL CIRCUIT OF ALABAMA~~
 BALDWIN COUNTY

To any Sheriff of the State of Alabama—GREETING:

WHEREAS, on the 12th day of April 1932, in the Circuit Court of the Tenth Judicial Circuit of Alabama Curlee Clothing Company, a corporation,

Plaintiff

recovered a judgment against Northcutt, Young & Co., a partnership composed of E. Young and S. M. Tharp, and J. E. Young and S. M. Tharp, individually,

Defendant.

for the sum of Seven Hundred Fifty-Two and 50/100 (\$752.50) Dollars,
 Judgment is entitled to credit of \$130.00.
 debt and damages, and Fifteen and 05/100 (\$15.05) Dollars cost;

and whereas George I. Case

has made affidavit, as required by law,

THESE ARE THEREFORE TO COMMAND YOU, That you summon

S. F. HOLMES, Custodian of School Funds of Baldwin
 County, Alabama,

to be and appear before the Circuit Court of the Tenth Judicial Circuit of Alabama, within thirty days from the service of this process, then and there to answer, on oath, whether at the time of the service of the garnishment, or at the time of making its answer, or at any time intervening the time of serving the garnishment and making the answer is indebted to the Defendant and whether it

will not be indebted in future to said Defendant by contract then existing, and whether by a contract then existing it will be liable to said Defendant for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property; or which is payable in personal property, and whether it have not in its possession, or under its control, money or effects belonging to the Defendant.

Witness my hand, this the 13th day of February 1932

R. S. Puck

Circuit Clerk.

By *Sanford Thompson*

Deputy Clerk

Original
RECORDED

No. _____
The State of Alabama
~~JEFFERSON~~ COUNTY
Baldern

CIRCUIT COURT

Curlee Clothing Company, a
corporation,
Plaintiff.

vs.

S. M. Tharp
Bay Minette, Alabama
Defendant.

Writ of Garnishment on Judgment

Garnishees.

Monette, Taylor & Jeffrey
Plaintiff's Attorney.

Executed by serving a copy of the within

Writ of Garnishment on
S. J. Holmes.
Pres of Baldern
County Bank and
Custodian of school
funds of Baldern
County etc.

Garnishees.

this *13th* day of *Feb* 193*9*
W. R. Stuart

Sheriff.

By *B. J. Spencer*
Deputy Sheriff.

C. W. TAYLOR
I. D. JEFFREY

GEO. CASE, JR.

LAW OFFICES OF
TAYLOR & JEFFREY

910-915 JACKSON BUILDING

BIRMINGHAM, ALABAMA

TELEPHONES

3-5284

3-5285

September 1st, 1939

Miss Nan Alice Thompson
c/o n. S. Duck
Clerk Circuit Court
Bay Minette, Alabama

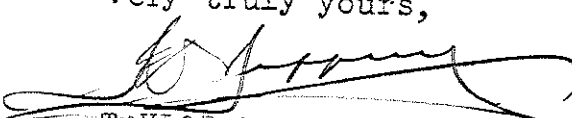
Re: 56944, Curlee Clothing Co.
Vs: Northcutt, Young & Co., et al

Dear Miss Thompson:

We enclose copy of reply brief
we wish to file in this case.

The original of this brief has
gone forward to Judge Hare at Monroeville, Alabama.

Very truly yours,


TAYLOR & JEFFREY

IDJ:ew

Enclosure.

CURLEE CLOTHING COMPANY,
a corporation,

Plaintiff,

vs.

NORTHCUTT, YOUNG and COMPANY,
a partnership composed of J. E.
Young and S. M. Tharp; and J. E.
YOUNG and S. M. THARP, indivi-
dually,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA.

NO. 9398.

REPLY BRIEF OF TAYLOR AND JEFFREY,
Attorneys for Curlee Clothing
Company, a corporation.

STATE OF ALABAMA }

BALDWIN COUNTY }

CURLEE CLOTHING COMPANY,
a corporation,

Plaintiff,

vs.

NORTHCUTT, YOUNG & COMPANY,
a partnership composed of J.
E. Young and S. M. Tharp, and
J. E. YOUNG and S. M. THARP,
individually,

Defendants.

In the Circuit Court of

Baldwin County,

Alabama.

No. 9398.

We are just in receipt of copy of brief of S. M. Tharp by J. B. Blackburn, Bay Minette, Alabama, in connection with a motion filed by the plaintiff in this cause to amend the judgment nunc pro tunc.

In the first place, we do not know what became of the written agreement between the plaintiff and defendants consenting to judgment being entered in this case, after it had been filed with the clerk of the court. We have copy of this agreement in our file and furnished Your Honor with a copy with our letter of February 22nd, 1939. Furthermore, it is admitted that the defendants, each and every one, were represented by capable and competent counsel at the trial of

this cause. Three days after the trial these attorneys, Messrs. Beebe and Hall, notified us of their action before the court at which time it was agreed in open court by these attorneys that judgment be rendered against the defendants, a copy of this letter and our reply having been attached to a letter directed to Your Honor on February 27th, 1939.

So, insofar as the agreement for judgment is concerned, if it be said that the record contains no such written agreement or verbal agreement before the court, the bench notes of Your Honor specifically show that an agreement of some kind, either written or oral, was before the court at the time the judgment entry was made by this court on April 12th, 1932. There are only two positions taken by the defendant, S. M. Tharp; namely, first, there is not sufficient entry or memorandum apparent on the record to allow an amendment, and second, that if there be sufficient entries and memoranda apparent on the records so as to permit the judgment to be amended, then it cannot be amended after three years from the date of the entries.

Although Mr. Blackburn states that the authorities cited in the plaintiff's brief are not applicable to either of the propositions or positions taken by him, we call attention to the cases of Mt. Vernon-Woodberry Mills vs. Union Springs Guano Co., 155 So. 710, 136 Ala. App. 136, 155 So.

716, 222 Ala. 91, and the cases cited therein, and Minor vs. Minor, 134 So. 132, 222 Ala. 646, and Nabers' Admr. vs. Meredith, et al, 67 Ala. 333, and other cases cited in the plaintiff's brief.

These cases clearly show, first, that the memorandum of the court on the bench notes is not in itself a complete judgment, yet it is sufficient from which a complete judgment of full force and effect can and should be written up in the minutes of the records of the court by the clerk, and is sufficient from which an amendment nunc pro tunc should be made directing the clerk to write it up if not done so as his duty, any time within twenty years from the date of the judgment entry memorandum.

Far be it from the writer to challenge the validity of a judgment entry made by this Honorable Court in the disposition of its cases. If the judgment entry were sufficient at the time it was made from which a minute entry could be made by the clerk of the court, it is now sufficient from which an order on the motion to amend nunc pro tunc be made directing the clerk to do that which he failed to do at the time and in the manner as required by law. That is, write up the judgment in the minutes of the records of the court.

With reference to the three year statute cutting off the plaintiff entirely, will state that it is clearly shown in the case of Minor vs Minor and others cited in the

plaintiff's brief, that the Supreme Court of this state has repeatedly declined to enforce the limitation of three years to judgments under Section 7855 of the Code of 1925 and 4140 of the Code of 1907. As is shown in the case of Sartor vs. Branch Bank at Montgomery, 29 Ala. 353, and Nabers' Admr. vs. Meredith, et al, and cases cited therein, it will be seen the reasons given by the Supreme Court for the ineffectiveness of the three year statute. In other words, the Supreme Court says, and it is still well settled law in this state, that in spite of the three year statute and Section 7855, it is of no effect and never has been.

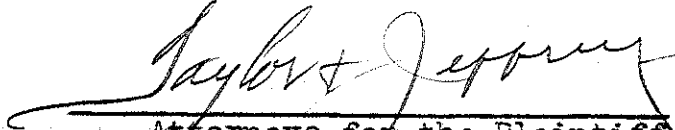
Mr. Blackburn would have the court penalize the plaintiff for the failure of the clerk of the court to do that which the clerk is compelled to do as such by law. The plaintiff and its attorneys had no reason to assume that the clerk of the court had not done his duty as required by law as such clerk, and search the records of his office to determine whether he had done his duty by writing the judgment in the minute records of the court. That is the reason why the statute on amendments exists. The law would place too great a responsibility on the plaintiff and its attorneys to follow each case after the rendition of judgment by the court to see whether the clerk does his duty and enters up the judgment as he is bound and required to do by law. Therefore, the plaintiff and its attorneys could not have slumbered on any right that they might have had in this

case. The record consisting of the summons and complaint, the sheriff's return and the judgment entry memorandum show conclusively the names of the parties to the suit, that neither party denied the partnership or being a member thereof and that neither party was stricken from the record.

That being true, there is sufficient matters, entries and memoranda of record to clearly show what the judgment was rendered for and against whom and from which the proper judgment should be entered upon the minute records of the court.

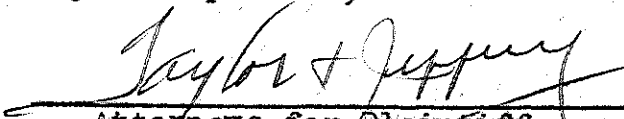
For the reasons stated above, and in the original brief filed by the plaintiff in this cause, we submit that the plaintiff is entitled to an order therein directing the clerk to write up the minutes of this judgment in the records of this court nunc pro tunc.

Respectfully submitted,


Attorneys for the Plaintiff.

We hereby certify that a copy of the foregoing brief has this day been mailed to J. B. Blackburn, attorney at law, Bay Minette, Alabama, postage prepaid.

Dated this the 1st day of September, 1939.

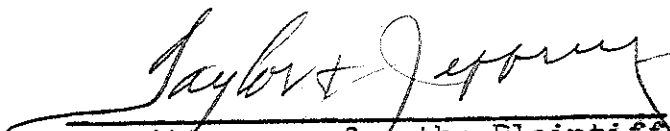

Attorneys for Plaintiff.

case. The record consisting of the summons and complaint, the sheriff's return and the judgment entry memorandum show conclusively the names of the parties to the suit, that neither party denied the partnership or being a member thereof and that neither party was stricken from the record.

That being true, there is sufficient matters, entries and memoranda of record to clearly show what the judgment was rendered for and against whom and from which the proper judgment should be entered upon the minute records of the court.

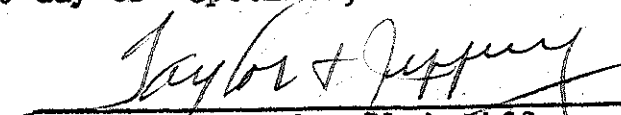
For the reasons stated above, and in the original brief filed by the plaintiff in this cause, we submit that the plaintiff is entitled to an order therein directing the clerk to write up the minutes of this judgment in the records of this court nunc pro tunc.

Respectfully submitted,


Attorneys for the Plaintiff.

We hereby certify that a copy of the foregoing brief has this day been mailed to J. B. Blackburn, attorney at law, Bay Minette, Alabama, postage prepaid.

Dated this the 1st day of September, 1939.


Attorneys for Plaintiff.

The State of Alabama,
Baldwin County.

No. 502

CIRCUIT COURT
January Term, 1940

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You ARE HEREBY COMMANDED, That of the goods and chattels, lands and tenements of S. M. Sharp, Defendant, you cause to be made the sum of Fifteen and 25/100 DOLLARS, which Curlee Clothing Company, a Corp, Plaintiff, recovered of him as costs in said cause on the 29th day of January, 1940, by the Judgment of our Circuit Court held for the County of Baldwin, besides the sum of 0 DOLLARS, costs of suit, and have the same to render to the said R. S. Duck, and make return of this Writ and the execution thereof, according to law.

Interest from _____, 19____, to _____, 19____.

Witness, my hand this 13th day of February, 1940.

R. S. Duck Clerk.

CLERK'S FEES		AMOUNT	SHERIFF'S FEES		AMOUNT
Issuing.....	Summons and Complaint.....	\$1. 25	Serving and Returning.....	Summons.....	\$1. 50
Issuing.....	copies of same.....	.30	Serving and Returning.....	Writs.....	1. 30
Issuing.....	Branch Summons and Complaint.....	1. 25	Serving and Returning.....	Subpoenas for ... Wit.....	.65
Issuing.....	copies of same.....	.30	Levying.....	Attachment.....	3. 00
Entering.....	Sheriff's Return or copy of above.....	.20	Entering and Returning.....	Attachment.....	.25
Docketing Cause.....		.25	Summoning and Returning.....	Garnishee.....	1. 50
Entering.....	Appearances.....	.20	Serving and Returning.....	Sci. Fas..... Notices.....	1. 50
Filing.....	Pleas..... Demurrers.....	.10	Impaneling Jury.....		.75
	Affidavits, Certified.....	.25	Collecting Cost, Execution.....		1. 50
	Commissions to take Depositions.....	.75	Taking and Approving.....	Replevin Bonds.....	1. 00
	copies of Interrogatories.....			Claim Bonds.....	1. 00
	Notices of Filing Interrogatories.....	.50		Garnishment Bonds.....	.75
Filing.....	Packages of Depositions.....	.10		Forthcoming Bonds.....	1. 00
Inclosing.....	Packages of Depositions.....	.10		Bail Bonds.....	1. 00
	Orders in Court.....	.30		Detinue Bond.....	1. 00
	Continuances.....	.10	Writ of Possession.....		5. 00
Issuing.....	Subpoenas for..... Witnesses.....	.30	Making Deed.....		5. 00
Trial and Incidents.....		.75	Collecting Money on Execution.....		
Entering.....	Judgment.....	.30	Writ of Restitution.....		2. 00
Issuing.....	Execution.....	.50	Sheriff's Commissions.....		
Entering.....	Sheriff's Return of Execution.....	.20	Sheriff's Deed.....		
Issuing.....	Certiorari..... Sci. Fas.....	.75	Seizing Personal Property in Detinue.....		3. 00
Filing.....	Certiorari, etc.....	.15			
Issuing.....	Notices.....	.75	Former Sheriff's Fees.....		2. 25
Issuing.....	copies of same.....	.50	TOTAL SHERIFF'S FEES.....		3. 25
Taking.....	Bonds.....	.75	WAIVER..... NO WAIVER.....		
Filing.....	Bonds.....	.10	RECAPITULATION.....		
Issuing.....	Attachment Writ..... and taking Bond.....	1. 00	Judgment for..... for.....		
Filing.....	Attachments.....	.10	Interest from.....		
	Summons of Garnishee.....	.50	Damages.....		
Swearing and Ent.....	Answer of Garnishee.....	.20	Clerk's Fees.....		9. 00
Complete Record, 15c per 100 words.....		4. 15	Sheriff's Fees.....		3. 25
Transcript to Supreme Court.....			Justice of Peace Fees.....		
Certificate of Appeal to Supreme Court.....		.75	Witness Fees in Justice of Peace Court.....		
	Notices of Appeal.....	.75	Constable's Fees.....		
	Appeal Bond.....	.75	Commissioner's Fees.....		
Certificate of Judgment.....		.50	Commissioner's Residence.....		
	Witness Certificates.....	.25	Printer's Fees.....		
	<u>Wocketing Ex</u>25	Garnishee's Fees.....		
			Witness Fees in Circuit Court.....		
			Former Clerk's Fees.....		
			Trial Tax.....		3. 00
TOTAL CLERK'S FEES.....		9. 00	TOTAL FEES.....		15. 25

No. 502 Page
The State of Alabama,
COUNTY.

CIRCUIT COURT.

Curlee Clothing Co
a corp
vs.
Sam Tharp
Plaintiff
Defendant

CIVIL EXECUTION FOR COSTS
AGAINST DEFENDANT

Judgment for for \$
Interest from , 19 ,
to , 19 , \$
Damages \$
Costs \$ 15.25
Total \$
Civil Fee Book Page
Execution Docket Page
Filed , 19

J. B. Black
Clerk
Plaintiff's Attorney
Defendant's Attorney

COLLECT COSTS FROM
DEFENDANT

The State of Alabama,
COUNTY.

I hereby certify that the within Judgment and costs in
this case are correct, and there was a waiver of exemp-
tion as to personal property under the Constitution and
Laws of Alabama.

This day
of , 19

Clerk.

Received in Office Th
February 13, 19 40
W. R. Stewart
ms 14 Sheriff.

Sheriff's Execution Docket, page
Sheriff's Fee Book, page

Return of March 25 to
1940 by collecting
\$52.50 last m
and 1 sum of \$
same cash &
W. R. Stewart
W. R. Stewart

The State of Alabama, }
COUNTY.

By virtue of the within Execution, I have, at

o'clock, M., this

day of

19

Levied.

Sheriff.

PLAINTIFF'S WITNESSES

DEFENDANT'S WITNESSES

TOTAL

AMOUNT

CURLEE CLOTHING COMPANY,
a corporation,

Plaintiff,

vs.

NORTHCUTT, YOUNG & COMPANY,
a partnership composed of J.
E. Young and S. M. Tharp; and J.
E. YOUNG and S. M. THARP, in-
dividually,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA.

NO. 9398.

REPLY BRIEF OF TAYLOR AND JEFFREY
Attorneys for Curlee Clothing
Company, a corporation.

Filed September 3, 1939.

RECEIVED

R. B. DOCK

CLERK, DISTRICT

By Paul Lee Young

Deputy.