

GARNISHMENT ON JUDGMENT

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT BALDWIN COUNTY

Fall

TERM, 192³⁰

To Any Sheriff of the State of Alabama—Greeting:

WHEREAS, At a regular Fall Term, 192³⁰, of the Circuit Court of Baldwin County,
to-wit: On the 6th day of October, 19³¹ being a regular day of
said term Kathleen G. Perkins,

recovered judgment against Mike V. Pharo and B.S. Byrum,

for the sum of One hundred twenty one and 30/100 Dollars, and cost of suit,

and affidavit having been made by H.M. Hall Atty for Plaintiff
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz: Court

G.W. Humphries, Judge of Probate of Baldwin County, Ala.

has or is believed to have in his possession, or under his control money
or effects belonging to said defendant 's or that he is, or
is believed to be indebted to said defendant 's or to be liable to them, or to one of them on a
contract for the delivery of personal property, or on a contract for the payment of money which may be dis-
charged by the delivery of personal property or which is payable in personal property.

You are Therefore Hereby Commanded to Summon G.W. Humphries,
Judge of Probate Court, Baldwin Co, Ala.

to be and appear before the honorable the Circuit Court for Baldwin County, at the Court House thereof, in
the City of Bay Minette, on the 3rd Monday in August A. D. 19³¹
then and there within the three first days of the term, to answer on oath, whether at the time of the service of
the garnishment, or at the time making his answer, or at any time intervening the time of serving
the garnishment and making the answer he was indebted to said defendant S
and whether he will not be indebted in future to said de-
fendant S by a contract then existing, and whether by a contract then existing
is, or are, liable to said defendants 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
he has not in his possession or under his control money or
effects belonging to the defendant S

Herein fail not, and have you then and there this Writ.

Witness, T. W. RICHERSON, Clerk of said Court, this 10th

day of July, A. D. 192³¹

Issued 10th day of July, A. D. 19³¹

ATTEST:

T. W. Richerson Clerk.

Executed this the
10th day of July
1931 by serving
a copy of the
within Garnishment
on judgment on
G.W. Humphries,

W.R. Stuart
Sheriff

W. J. Thibault
D.S.

Original

RECORDED

Circuit Court, Baldwin County

No.

Kathleen Perkins,

VS. } GARNISHMENT ON JUDGMENT
M.N. Pharo & B.S. Bynum,
G.W. Humphries, Garnishee

RECORDED

Issued 10 day of July 1931

Returnable 17 day of Aug 1931

Serve Copy on
G.W. Humphries
Judge of Probate Court

Beebe & Hall,

Attorney.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, T. W. Richerson, Clerk of the Circuit Court of said County, personally appeared H. M. HALL, as attorney of record, who being duly sworn, deposes and says, that Kathleen G. Perkins, plaintiff, recovered a judgment on the 6th day of October, 1930, in said Circuit Court of said County, against Mike V. Pharo and B. S. Byrum, defendants, for the sum of One Hundred Twenty-one and 30/100 Dollars (\$121.30) and the further sum of Thirteen and 25/100 Dollars (\$13.25) court costs of said suit, and that G. W. Humphries, Judge of Probate of Baldwin County, Alabama, has or is believed to have in his possession or under his control money or effects, belonging to the defendants, or that G. W. Humphries, Judge of Probate, is believed to be indebted to the defendants or to be liable to them 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 that he believes that process of garnishment against said defendants is necessary to obtain satisfaction of judgment.

H. M. Hall

Subscribed and sworn to before
me, this 10th day of July,
1931.

T. W. Richerson

Clerk Circuit Court

RECORDED

AFFIDAVIT

Kathleen Perkins

vs

M.N. Pharo and B.S. Bynum.

Filed July 10th, 1931

J. W. McInnis Clerk.

W. E. ROBINSON & COMPANY
Plaintiffs.

VS

F. O. TILTON, ET AL
Defendants.

L A W .

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

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INTERROGATORIES PROPOUNDED BY PLAINTIFFS TO DEFENDANTS UNDER THE
PROVISIONS OF CODE SECTION 7764:

TO EACH DEFENDANT:

1. What position did you hold with the Tilton Grocery Company, Inc., between September 1st, 1930 and the time when said Grocery Company went into bankruptcy?
2. What were your duties in such position? Was not a part of these to assemble and send out merchandise that had been ordered by customers of the company?
3. In September, 1930, were not 512 cases of canned tomatoes belonging to plaintiff stored in a separate pile in one corner of the Tilton Grocery Company warehouse separate and distinct from goods belonging to the Company?
4. Were not these tomatoes in the same place in the early part of January as they were in the preceding September? If not, who at that time had taken any of them?
5. Is it not a fact that between January 1st and March 15th, 1931, 512 cases of canned tomatoes belonging to plaintiff were sold in the course of trade by one of the other of you two defendants and shipped out of the warehouse to the purchaser so that but ten cases of No. 1 remained at the time of the bankruptcy?
6. Were not these tomatoes taken out of the warehouse under the orders of either F. O. Tilton or J. H. Page? If any were taken by persons other than yourselves, state just who removed them and when such removal took place. How many cases were so taken?
7. On what date did you commence disposing of these tomatoes?
8. During the time from January 1st to the date of bankruptcy were not you two defendants the only officers who had anything to do with the control and management of the business so far as disposing of the stock of groceries was concerned? During this period was not Mr. E. M.

Tilton Sr., confined to his home by a severe attack of pneumonia and his slow recovery from same?

9. If any one other than you two defendants disposed of tomatoes, who did so? Was this done with your knowledge?

TO F. O. TILTON, INDIVIDUALLY:

1. From September 30, 1930 and up to the time of the bankruptcy, were you not general manager of the Tilton Grocery Company and did you not in addition solicit orders for goods?
2. As acting salesman, was it not part of your duties to keep in touch with the stock in your warehouse and did you not at times help to get up orders in the store?
3. In the early part of January, 1931, did you go with plaintiff's attorney and point out to him plaintiff's tomatoes where they were stored in the warehouse at the request of Mr. E. M. Tilton, Sr.? Was it before or after this time that you commenced to sell these tomatoes and did you not know at the time you sold them that they belonged to plaintiff?

TO J. H. PAGE, INDIVIDUALLY:

1. Are you the J. H. Page who, on September 30, 1930, as secretary of the Tilton Grocery Company, signed a certificate stating that said Grocery Company held in its warehouse 512 cases of tomatoes, the property of W. E. Robinson & Company?
2. Did you or not acquaint Mr. F. O. Tilton with the fact that you and the president had signed such a certificate? If you did not tell him, was he acquainted with the fact that the tomatoes were plaintiff's?
3. Did you not fill orders for tomatoes sold by both yourself and Mr. F. O. Tilton out of the Robinson tomatoes and did you ever make any accounting to W. E. Robinson and Company of the goods thus sold?

Richard L. Lobb
Attorneys for Plaintiff.

STATE OF ALABAMA.

COUNTY OF BALDWIN.

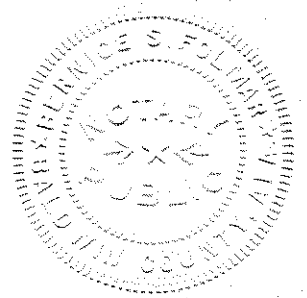
Before me, the undersigned Notary Public, personally appeared this day ELLIOTT G. RICKAREY who being sworn says that he is of counsel for plaintiffs in this cause and that the answer to the foregoing interrogatories, if true, will be of material evidence for the plaintiff.

Elliott G. Rickarey

Subscribed and sworn to before me this the 7th day of July, 1931.

Bernice S. Folmar

Notary Public, Baldwin County, Alabama



1 M. E. Robinson & Co.

2 Plaintiff

3 vs. Defendant

4 F. D. Tilton, et al

5 Defendants

6 Circuit Court

7 of the County of Madison, Ala.

8 Come the defendants in the
9 above styled Cause and answers
10 ing said plaintiffs Cause and
11 answers thereof say:

12 First: The demand sued for
13 arose out of a consignment
14 of tomatoes made by the Plaintiff
15 to the Pittman Grocery Company, a
16 corporation that said defendant
17 said, shipped and delivered
18 upon the following terms,
19 namely, that the merchandise
20 should be shipped to said
21 corporation at Robertsdale, Ala.
22 upon the arrival of the same
23 the said corporation would
24 pay for the same one half the
25 price as the same cost and
26 the balance by the execution
27 and delivery by said corpora-
28 tion to Plaintiff the note
29 of said corporation, that upon
30 the arrival of said merchandise
31 at Robertsdale used before the

1 same was received by said
 2 Corporation. The said Corporation
 3 paid the said one half purchase
 4 price in cash and delivered
 5 the said and delivered its note
 6 as aforesaid, and payment
 7 being made to the Robert Lee
 8 State Bank and the note being
 9 delivered to said bank, who
 10 was then and there acting
 11 as the agent of the Plaintiff
 12 duly authorized thereto; that
 13 the said the aforesaid pay-
 14 ment this said misde-
 15 meanor then and there became
 16 the property of said Corporation
 17 and at all times thereafter to
 18 and at the time of
 19 the alleged conversion was
 20 the property of said Corporation
 21 and not the property of the
 22 Plaintiff.

24 Second: The matters therein
 25 alleged are untrue.

27
 28 True & all
 29 steps for def-
 30
 31

RECORDED

Return
to
Tilton

Answer

Filed Aug 19, 1931
R. M. Beaman
Clerk.