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A Request

J. W. Blue Jr.

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A REQUEST

Mr. F. A. Harrison,
Lexington, Kentucky.

Dear Sir:—

In compliance with your request for the submission of any matters of interest or amusement that might come under my observation I submit the following, which I learned of while at Smithland Court last week. A Mr. Hall, of Ballard County, recovered judgment against a gentleman residing in Livingston County named McCulloch upon an action in the McCracken Circuit Court, service having been procured in that county. Execution was issued from the McCracken Court directed to the sheriff of Livingston County, which, by direction of plaintiff, was levied upon a horse belonging to defendant, and, upon request of the sheriff, the plaintiff executed indemnifying bond and directed the sheriff to sell under the execution. He also left a bid with the sheriff for the amount of his debt, interest and cost and gave to the sheriff his address in Ballard County. In September, 1914, a few days after the levy of the execution and the execution of the indemnifying bond, McCulloch filed suit for an order of delivery of the horse in the Livingston Circuit Court claiming that the horse was not subject to the levy. To this suit he made the sheriff the only defendant. Upon the issual of the writ he executed bond to the effect that he would prosecute the action, etc. No defense was made to this action by the sheriff and no notice was given to the plaintiff in the execution. At the December term of the Livingston Circuit Court judgment was rendered the execution but sent an account to the plaintiff for \$8.00, cost of feeding the horse while in his hands under the levy of execution. Plaintiff in the execution filed suit in the Livingston Circuit Court against the sheriff for the amount of his debt, interest and cost of the ground that the sheriff should have realized the amount of his judgment from the horse, for the sale of which he had indemnified the sheriff. To this action, the sheriff interposed the defense that he had delivered the horse over to the defendant in the execution under judgment and order of the Circuit Court in the action for the elivery thereof brought by the defendant in the execution. The court considered this a good defense and dismissed the action of the plaintiff. The question is: What recourse

has the plaintiff in the execution and against whom for the recovery of the value of the horse (or rather the amount of his debt) which he had levied on, and for the sale of which he had indemnified the sheriff. This question may be of some interest for your students to work out, and, for that reason, I am sending it to you.

Yours very truly,

J. W. BLUE, JR.

A LETTER FROM B. T. ROUNDTREE.

B. T. Roundtree, of the class of "15," who is now engaged in the practice of the law at Brownsville, Ky., has sent us the following interesting summons issued by a constable in his county; "this is an exact copy of a summons issued on a case, an actual case, in a Justice of the Peace of this county—you take notice that this summons is issued, not by the Justice of the Peace, but by the constable of that district. Ask the good Judge in court practice if a constable has this power,—isn't that going some? It is new procedure to me. Here it is: 'Miss Sara Hack and H. Hack you air notified t a tend coart at H P Logsdon J P E C the first fryday in June a claim fild a Ganst you By Lowe and H Hayse.' "

BITS OF HUMOR.

His Reward.

When James G. Blaine was a young lawyer, he was once asked to defend a tramp accused of stealing a watch. Convinced of the tramp's innocence, Mr. Blaine pleaded with such convincing energy and eloquence that the court was in tears; even the tramp wept, and the jury almost immediately returned the verdict "not guilty."

Then the tramp drew himself up and, with intense gratitude said:

"Sir, I have never heard so grand a plea. I have no money to reward you, but—here's that watch. Take it, and welcome."—From Maroon and White, Danville, Ill.