

And whereas he manifested a great interest in the social welfare of his country being a Knight Templar Mason and for years a member of the Clarksville Commandery No. 1, and although he belonged to the Knight of Pythias and other social fraternal orders, yet he was especially prominent in the Masonic Fraternity of the State. And whereas he was especially kind to the poor and unfortunate and was a most liberal donator to all funds for charitable purposes.

And whereas one of his pronounced characteristics was his love for little children, doubtless knowing by name more children in Waverly than any man of his age in town. He was never known to refuse the demands of a little child, however poor and unfortunate it might be.

And whereas he was greatly missed by the members of his profession and by the people generally yet his loss was more keenly felt among the children children of Waverly than possibly any other class.

And whereas he was survived by four children, to wit: Mrs. Elva Cunningham, Mrs. Allena Hall and Miss Mary Carter, of San Antonio, Texas and Mr. Roy Carter, a member of the Local Bar.

And whereas being desirous of showing the proper respect to his memory and testifying to the world as to his true worth and merit as a citizen and Christian gentleman, we hereby adopt the following resolution:

BE IT RESOLVED, by the members of the Waverly Bar in a called session at August term of the Circuit Court of Humphreys County, that in the passing of General Carter, the legal profession and the country in general has sustained a great loss.

Be it further resolved that as a mark of respect to his memory that the President of the Local Bar Association in hereby authorized to appoint a committee whose duty it will be to present a copy of these resolutions to each Court of record in the County, where the same will be spread upon the Minutes,

Be it further resolved that as further mark of respect to the memory of General Carter that a certified copy these resolutions be prepared by the Circuit Court and forwarded to his daughters at San Antonio, Texas.

Pursuant to the instructions of the Bar Association I hereby submit the following as my report of the committee on resolutions.

J. Ben Fuqua Committeeman on resolutions

State of Tennessee

vs. )  
( B.D.  
John Mathews )

In this case came the Attorney General for the State and the Defendant in his own proper person and plead guilty as charged. Whereupon the Court assess the penalty and say he shall pay a fine of Fifty Dollars together with all the cost. then came into open court C.W. Daniel and J.B. Smith, and enter their names as sureties for all of said fine and costs.

It is therefore ordered adjudged and decreed by the Court that the State of Tennessee recover of the defendant his sureties all of said fine and cost for which let execution issue.

Court then adjourned until tomorrow morning at 9 o'clock.

W. L. Cook  
Judge

vs, yet

tor

Court met pursuant to adjournment, Present and presiding the Hon. W.L. Cook, Judge. when the following good and lawful men were appointed by the Court, to serve as jurors for this the August term of the Circuit Court, to wit: Jno. Lucas, Will May, Tilden Ethridge, W.R. Yates, Bill Warren, G.M. Hall, T.J. Black, Fields, and Bob Baker.

State of Tennessee

vs. ) Larceny.  
Pete Swearns )

In this case came the Attorney General for the State, and the defendant in person and by attorney, who being duly charged and arraigned on said bill of indictment pleads not guilty. Thereupon the following good and lawful men of Humphreys County were legally selected as jurors: to wit: Ed Russell, Bill Warren, John Crowell, Will May, W.R. Yates, Tilden Ethridge, G.M. Hall, T.J. Black, M.B. Burnett, Jno. Lucas, Walter Pruett, and Ab Thompson, who after hearing all the evidence argument of counsel and the charge of the court retired to their room in charge of their sworn office Sam Jones a Deputy Sheriff of Humphreys County to deliberate on this case but not having time to complete their verdict said jurors were respited by the Court until tomorrow morning at 9 o'clock.

State of Tennessee

vs. ) Cruelty to animals  
John O Guinn )

In this case came the Attorney General upon the part of the State and the defendant in his own proper person, when upon agreement with the Prosecutor and the Attorney General a Nolo prosequi is entered upon the defendant paying the costs then came into open court Hugh Hobbs and C.M. Haygood and entered their securities for the costs of the case.

It is therefore ordered adjudged and decreed by the Court that the State of Tennessee recover of the defendant and his sureties the costs in this case for which let execution issue.

State of Tennessee

vs. ) Gaming  
Jesse Tubb )

In this case came the Attorney General for the State and it appearing to the Court that the defendant was indicted at a former term of this court for the offense of Gaming, and that said defendant was arrested and entered into bond with James P.L. Hensley and Bob Burns as his sureties which bond is in the words and figures following to wit:

State of Tennessee Humphreys County. We Jesse Tubb, agree to pay the State of Tennessee Two Hundred Fifty (\$250.00) Dollars unless the said Jesse Tubb appear at the next term of the Circuit Court of Humphreys County, to be held at the Court House in the town of Waverly, on the 2nd Monday in Aug. 1920 on Tuesday of said term, to answer the State of Tennessee for the offense of gaming and do not depart the Court without leave.

Jesse Tubb Principal  
P.L. Hensley Surety  
Bob Burns

Approved W.D. Bryant Sheriff  
This 22 day of June 1920.

And the defendant Jess Tubb being called to come into open court and answer the State of Tennessee upon a charge of Gaming came, not but made default and the said P.L. Hensley Bob Burns were also call to come into court and bring with them the body of the said Jess Tubb according to the tenor and effect of his said bond, came not but made default neither came the defendant Jess Tubb nor his said sureties but made default. It is therefore considered by the court that the defendant Jess Tubb and P.L. Hensley and Bob Burns for thier said default do forfeit and pay unto the State of Tennessee the said sum of Two Hundred and Fifty Dollars according to the tenor and effect of thier said bond.

And it is further ordered by the court that Ser. Fa. be issued to the defendant and his said sureties requiring them to appear at the next term of this court and show cause if any they have why this judgment should not be made final. And further that Alias Capias issue for the defendant.

Court then adjourned until tomorrow morning at 9 O, clock.

W. S. Cook  
Judge.

Court met pursuant to adjournment, present and presiding the Hon. W.L. Cook Judge.

State of Tennessee  
vs.  
Pete Swearns

Larceny and *theft of property*

In this cause came again the Attorney General for the State, and the defendant in person and by his attorneys, when the jury heretofore selected in this cause to wit: Ed Hassell, M.B. Burnett, Jno. Lucas, Will May Tilden Ethridge, W.R. Yates Bill Warred, G.M. Hall, T.J. Black, Jeff Fields, Jno. Crowell, Ab Thompson. having returned into open court, in charge of thier sworn officer Sam Jones who upon oath do say they find the defendant guilty as charged in the second county in the indictment. Whereupon the court assess the penalty and say he shall pay a fine of Ten dollars together with all the costs, then came into open court Ross Swearns, and H.C. Hooper and enter thier names as sureties for all of said fine and costs.

It is therefore ordered adjudged and decreed by the court that the State of Tennessee recover of the defendant and his sureties all of said fine and cost for which let execution issue

State of Tennessee  
vs.  
Jess Bone

Age of consent.

Came the Attorney General on behalf of the State, and the defendant in person, and by attorneys, who being arraigned upon the bill of indictment, pleads not guilty; and thereupon came a jury of good and lawful men to wit: Nathaniel, W.H. May, T.J. Black, Tom Brown, Ed Hassell, J.M. Malady, G.E. Stewart, Jno. Lucas, A.B. Chapman, Pete Bradford, E.M. Wright, and Hugh Stanford, who being elected empanelled, and sworn to well and truly try the issues joined, heard all of the evidence on behalf of the State, and a portion of the evidence on behalf of the defendant, when the Attorney General announced that the State could produce to ever case the testimony offered for the defense, and on that account, could not

make out a case beyond a reasonable doubt, and recommended a verdict of not guilty where upon under instructions from the court the Jurors reported a verdict of not guilty.

It is therefore considered that the defendant go hence, and that the State of Tennessee, pay the costs, accused on its behalf, and that Clerk of this court make out and certify to the Comptroller said bill of cost for payment as the law directs.

Mrs. Ella P. Young  
vs.  
J.L. Smith Sheriff

In Circuit Court at Waverly Tenn.,

Came the parties in this case, and without the intervention of a jury and by compromise agreement enter the following as the judgment of the court in this case.

It is agreed that the judgment of the Justice of the Peace in this case may be affirmed by the court which in the words and figures following:

In this case I adjudge the property in controversy to belong to the defendant and fix its value consisting of one red steer about 2 years old white face with horns 2 brindle steers and one dark colored steer about 16 months old weight about 4 and 500 pounds at \$200.00 and fix the <sup>defendant's</sup> damage for its detention \$-----.

It therefore considered that defendant recover of the plaintiff and Hester Warren and Judson M. Palmer her sureties on the replevin bond, the sum of \$122.68 which may discharged by returning said property to the defendant and that the defendant recover of the plaintiff and sureties the sum of \$----- damages as aforesaid and costs of this suit for which execution is awarded

This Feb. 28 1918. J.E. Sullivan Justice of the Peace.

It is therefore considered by the court that said judgment be and is affirmed by the court which judgment may be discharged by returning the property or by the payment of the said judgment of \$122.68 with interest from Feb 8 1918 the date of its rendition amounting to \$18.40 making in the aggregate interest and principal \$141.08 together with the costs of the cause for which execution will issue.

Mamie C. Teas et.al.  
vs.  
Luff Bowen et.al.

Comes the defendants by attys and moves the court for 30 days from this date in which to plead answer or demurrer to plaintiffs declaration and sufficient reasons appearing the court is pleased to allow said motion.

Court then adjourned until tomorrow morning at 9, o'clock.

W. S. Cook  
Judge.

Court met pursuant to adjournment present and presiding the Hon. W.L. Cook, Judge.

State of Tennessee  
vs.

Dick Wither spoon et.al. ) Contempt.

In this cause on motion of the Attorney General it appearing to the Court that the defendant were regularly subpoenaed to appear before this at its present term to give evidence before the grand Jury and that they failed to so appear It is ordered by the Court that attachment issue for each of said defendants to appear before the Court on the Second Monday in December 1920 to show cause why they should not held in contempt of Court.

This day the Grand Jury came into open Court in a body, and present the following presentments.

One against Briney Ingram Drunkenness, subpoena for the State W.W. Hickman, T.C. Miller A.J. Sanders J.A. Slayden.

One against K.R. Parnell Drunkenness Subpoena for the State J.M. C. Young Mrs. R.C. Brigham.

One against Tom Crawford et.al. Gaming, subpoena for the State W.C. Curtis Albert Crockett Sam Brigham and Fred Heath.

One against Sam Daniel B.D. Subpoena for the State Vergil Miller, S.E. Brigham, Ruford Brigham E.L. Hassell Walter Crockett, W.C. Curtis, and Fred Heath.

One against Sam Daniel Carrying a pistol subpoena for the State W.C. Curtis, Ruford Brigham Josh Howell E.L. Hassell, Dick Howell and Fred Heath.

One against Sam Daniel drunkenness subpoena for the State W.C. Curtis, Ruford Brigham S.E. Brigham, and E.L. Hassell.

One against Fred Heath drunkenness subpoena for the State J.M.C. Young, W.C. Curtis Joe W. Byrd, Walter Crockett, S.E. Brigham, Sam Stricklin, and E.L. Hassell.

One against T. Rawls drunkenness subpoena for the State Maceo Weatherspoon, Oscar Stewart, Dick Weatherspoon, Wesley Hood, W.A. Franklin, and Mrs. M. Baker.

One against Billard Wells drunkenness subpoena for the State Maceo Weatherspoon, Oscar Stewart, Dick Weatherspoon Wesley Hood, W.A. Franklin and Mrs. M. Baker.

One against Grady Stringer, drunkenness subpoena for the State Maceo Weatherspoon Oscar Stewart, Dick Weatherspoon, Wesley Hood, W.A. Franklin, and Mrs. M. Baker.

One against H. Rushing selling Cigaretts, subpoena for the State Davis Poreh.

#### GRAND JURY REPORT AUGUST TERM 1920

We, the members of the Grand Jury for the August term of the Circuit Court of Humphreys County, beg leave to submit the following report to your Honor.

We have true presentment made of all offenses given us in charge by your Honor or otherwise brought to our knowledge.

We, have visited the County Jail and Poor House and find the prisoners and inmates well fed and cared for.

We recommend that rooms of Jail up stairs used by the Sheriff be papered and that window lights out at the Poor house be replaced and the roof of the building be painted.

We find all bonds properly executed and good and solvent for the several amounts thereof

except the bonds of Lee Breeden, J.D. Luten, and V.B. Tribble, which have not been completed, and now having completed our labors we respectfully ask to be discharged for the Term. J.W. Hamlin Foreman, Hill Turner, Geo. V. Stridger, R.J. Balthrop, J.W. Timmell Robert Rice, S.H. Henry, S.J. May, Will Trogden, W.H. Merdith, J.M. Pett, G.V. Dotson, J.M. Reese.

State of Tennessee against Jess Jackson et.al. Cecil Bishop et.al. Pap Nichols, Pap Nichols Walter Stridger, in the above styled cases Alias Capes is ordered issued for defendants.

State of Tennessee against Pap Nichols et.al. Forfeiture on bond, this case is continued until next term.

State of Tennessee against Stewart Strahley et.al. this case is continued on a plea of guilty as to Stewart Strahley and Roy Buchanan, and Forfeiture taken on defendant and Bondmen as to Jess Tubb.

State of Tennessee )  
vs. ) Gaming  
Fred Heath ) Motion to retax costs.

In this cause came the Attorney General for the State, and it appearing to the court, from the return of the Sheriff upon an execution issued to him by the Clerk of this court against the estate of the defendant for the costs of this suit that the defendant is wholly insolvent unable to pay the cost of this suit, or any part thereof. So it is therefore ordered adjudged and decreed by the Court that the costs accruing upon the part of the State, be allowed and paid out of the County Treasury and that the Clerk of this court make out and certify the same to the County Judge for payment as the law directs.

State of Tennessee )  
vs. ) Gaming  
Fred Heath ) Motion to retax costs.

In this cause came the Attorney General for the State, and it appearing to the Court, from the return of the Sheriff upon an execution issued to him by the Clerk of this court against the estate of the defendant for the costs of this suit that the defendant is wholly insolvent unable to pay the costs of this suit or any part thereof. So it is therefore ordered adjudged and decreed by the Court that the costs accruing upon the part of the State be allowed and paid out of the County Treasury, and that the Clerk of this court make out and certify the same to the County Judge for payment as the law provides.

State of Tennessee )  
vs. R.L. ) B.D.  
R.L. Yarbrough ) Motion to retax costs.

In this cause came the Attorney General for the State, and it appearing to the Court from the return of the Sheriff upon an execution issued to him by the Clerk of this court against the estate of the defendant for the costs of this suit that the defendant is wholly insolvent unable to pay the costs of this suit or any part thereof. So it is therefore ordered adjudged and decreed by the court that the costs accruing upon the part of the State be allowed and paid out of the County Treasury and that the Clerk of this court make out and certify the same to the County Judge for payment as the law directs.

Court then adjourned until tomorrow morning at 9 o'clock.

W. L. Cook  
Judge



Court met pursuant to adjournment, present and presiding the Hon. W.L. Cook Judge.

**BOARD BILL FOR BOARDING JURY IN CASE STATE AGAINST JESS DONE.**

This day came Doss O Guin in open court present and read his board bill in open court for boarding the jury, in the case of State against Jess Done, which is allowed and the same is certified to the Comptroller for payment as the law directs.

Lizzie Mays

vs.

Jess Mays )

It is ordered that an Alias summons returnable to the next term issue to served upon the defendant.

Dr Duncan Have et.al. }

vs. }

Land levy and motion for condemnation.

Fred Wyatt }

All matters involved in this proceeding having been compromised and the costs paid, same is hereby dismissed.

J.R. Smith and son. )

vs. }

Land levy and motion for condemnation.

S.L. Chance et.al. )

Came the plaintiffs by thier attorney, and moved the court for a Venditioni Exponus, whereupon at the request of the defendant, the motion was continued until next.

Western Union Tel Co. against N.C. & St. L. Railway. Continued by consent.

G.R. McKeel et.al. against W.S. Mays. Continued on application of the defendant.

Mara Potter against Lucy Potter. It is ordered by the court that Alias summons returnable to the next term issue in this cause.

G.E. Stringer ) Appealed J.P.

vs. }

T. W. Vinyard )

Came the parties who appeared before the Clerk of the Court, and directed a dismissal of the cause out of term time, the plaintiff agreeing to pay the cost. And it appearing to the court that this is the first term since the appeal it is adjudged that the plaintiff G.E. Stringer pay all the costs accrued in the cause for which let execution issue.

Court then adjourned until tomorrow morning at 9 o'clock.

W.L. Cook  
Judge

State of Tennessee

on Relation J.T. Gibbons )

vs. )

Lora Gibbons et al (

Came the Relator and asked leave to dismiss the suit as to deft. H.B. Parker and his wife Mrs. H.B. Parker, which motion the Court is pleased to grant.

It is therefore ordered that said suit be and is dismissed as to said H.B. Parker and wife Mrs. H.B. Parker.

State on relation )

of J.T. Gibbons ) In Circuit Court at Waverly Humphreys County, Tenn.,

vs. )

Lora Parker Gibbons )

In this cause comes the relator J.T. Gibbons, in person and by attorneys and the defendant, Lora Parker Gibbons, in person and by attorneys, when this cause came on this day to be heard by the Court on the petition of the relator J.T. Gibbons and the answer of the defendant filed thereto and all the proof in the case, and the same being fully understood by the court.

It is therefore ordered, adjudged and decreed by the court that the mother, Lora Parker Gibbons, be and she is hereby given the exclusive custody of her, son, Earl Gibbons, and that he shall remain under her custody and control subject to the rights of the relator, J.T. Gibbons, to visit him in the home of F.B. Parker, where the mother and child live, or at the option of the relator, at the home of S.B. Parker in Waverly Tennessee, subject also to the condition that the mother, Lora Parker Gibbons, afford him the opportunity of an education and to the end it is decreed that when his age justified his entrance into the Waverly High School at Waverly Tenn., and at the age not later than fifteen (15) years, that he entered in that school and that the father may, through a trustee to be appointed by him, contribute toward his maintenance in the High School; and after completion of the High School course, that he be sent to such University or college in Middle Tennessee as the father may select, provided the father J.T. Gibbons, shall provide the means for his maintenance in such university or college and it is further ordered that the relator J.T. Gibbons pay the costs of this cause, for which let execution issue. To all of which Judgment of the Court Relator excepts &c.

State of Tennessee on ) In the Circuit Court at Waverly in Humphreys County, Tenn.,  
Relation of J.T. Gibbons )

vs. )

Lora Gibbons et.al. )

J.T. Gibbons, the Relator by his Attorneys moves the Court for a modification of the judgment in this case as follows:

That, at any time, after the year, 1920, J.T. Gibbons the Relator be permitted, once each year, to meet his son Earl C. Gibbons in Waverly, Tenn., and carry him his said son if he wishes to his home in Altus, Oklahoma, for a visit of at least thirty, days conditioned that the said J.T. Gibbons executing a good and solvent bond for the return of said child to Waverly Tenn. and the end of the said period and the further condition of the payment of all expenses of said visit, the same to be done at some time in each year when said child is not in the public or high school; that



Minutes Circuit Court, Humphreys County, August Term, 14 day of August 1920

the mother of said child be given thirty days notice of the time at which said child shall be delivered to his father at Waverly Tenn.

I do not think this motion proper. It is denied, W.L. Cook Judge.

To which ruling of the court, plaintiff excepts etc.

J.R. Smith & Son.

vs.

E.L. Chance et.al.

In the Circuit Court of Humphreys County, Tenn.,  
August term 1920.

In the above styled cause, it appearing to the Court that same originated before and final judgment was rendered thereon before a Justice of the Peace of Humphreys County, Tennessee; that an execution was issued and after search being made and no personal property to be found in the county belonging to any of the defendants that same was levied upon real estate belonging to deft. W.R. Chance, and that such execution, with the levy on it, and all the other papers in the case, and especially the original summons with service thereon of the officer thereon upon all the defendants and the judgment rendered in the case against them, were all returned to the Clerk of this court in the time and manner prescribed by law, and properly entered by him on the docket as required by law; and the plaintiffs through their attorneys came and moved the court for an order of condemnation and sale of such land so levied upon to satisfy such judgment and the costs of the cause, on motion of the defendants for a continuance of such motion to condemn to the next term of this court, and upon sufficient cause appearing therefor, the court doth order such motion continued to the next term of this court

Court then adjourn until Saturday August 21st. 1920.

-----Judge-----

Court met pursuant to adjournment

Mrs. Nannie C. Teas Et.al.

vs.

Luff Bowen Co. Et.al,

In the Circuit Court of Humphreys County Tennessee.

It appearing to me that the writ of attachment, heretofore issued in this cause, has been executed by summoning Luff-Bowen Co. as garnishees, and they have answered that they owe the defendant. The Beckwith Company the sum of \$1357.84. it is ordered that publication be made in the Humphreys County Democrat, a news paper published in the town of Waverly, Tennessee for four consecutive weeks requiring said Beckwith Company to appear before the Circuit Court of Humphreys County, at the Court house in Waverly, Tennessee on the second Monday of December 1920 and answer and defend this suit. This the 19th. day of August 1920.

Albert Binkley, Circuit Court Clerk

Minutes Circuit Court, Humphreys County, August Term, 21 day of August 1920

State of Tennessee: ex rel. J.T. Gibbons  
vs.  
Lora Parker Gibbons et, al.

In the Circuit Court of Humphreys County at Waverly, Tennessee.

Motion for New Trial.

The Relator, J.T. Gibbons, moves the court for a new trial of the above styled cause and in support of his motion assigns the following errors committed against him on the of this cause.

1st.

There is no evidence to support the award of the child involved to the exclusive custody of the mother against the father.

2nd.

The court erred in awarding the exclusive custody of the child to its mother because the evidence greatly preponderates against such adjudication.

3rd.

The court erred in awarding the exclusive custody of the child to the mother because the law favors the control of boys of the age of this child being in the father.

4th.

The court erred in awarding the exclusive custody of the child to the mother because against the best interest of the child.

5th.

The Court erred in awarding the exclusive custody of the child to its mother because the proof shows the father is better situated to take care of, provide for and educate the child.

6th.

The court erred in not awarding the custody of said child to its father because at his home it is a healthier, higher, and better climate and would be better for the child's welfare.

7th.

The court erred in not awarding the custody of the child to its father because the proof viewed in its most unfavorable light to the father shows that he as well equipped (in fact much better) than its mother or its maternal grand parents to provide for, take care of and educate it.

8th.

The court erred in not awarding the custody of the child to its father because its mother has practically no means with which to provide for and educate said boy and she is dependent upon her father for hers and the boy's support, and because her father, (a man 66 years of age) has but little means outside of a \$5000.00 farm, and if he should die, before the boy's education is completed would leave very little to the child's mother there being two other children to take the estate with her as well as a wife who might survive him, thus leaving the means whereby the mother might be able to educate said boy very indefinite and uncertain, and because the said mother's father stated on the witness stand that he expected to give this child the same chances or opportunities that he gave his own children and according to the proof he gave them only such education as they could obtain from the common schools in the neighborhood.

9th.

The judgment awarding exclusive custody of the child to its mother and adjudging that she should afford him an education in the high school at Waverly, Tenn., in truth and in fact affords no protection nor does it provide a means whereby the boy may obtain

an education because the mother has no means to carry out such adjudication, nor did the court retain the cause the cause on its docket so that it might enforce this decree which is prejudicial to and against the best interest of the child, but if the custody of the child had been awarded to the father with such a provision for its education with the father's offer to make bond for the performance of the judgment of the court, it would have been to the child's best interest and advantage and such provision for it it could have been enforced, and hence the attempted provision of the court for the child's education is error.

10th.

The court in awarding the exclusive custody of the child to its mother overlooked and lost sight of the present and best future welfare and interest of the child.

11th.

The proof shows that the boy and his mother live in the home of her parents where he has been taught to abhor and almost defest his father and refuses to accept anything from his father and has been taught in the home not to do so, and he has not been allowed to bear his father's name (gibbons) and until recently never knew his father, and the mother as well as both her parents are very much prejudiced against the boy's father was to blame for his parents separation (contrary to the facts) and to award the exclusive custody of the child to his mother, to be brought up under such prejudiced influences and surroundings and poisoning the mind of the child against his own father is contrary to the best interest of the child and to his highest development is error in the court and the courts of the country should not lend their aid or encouragement to such reprehensible conduct.

12th.

The court erred in not allowing the father any privileges with his child other than to contribute to the expenses of his schooling in the high school at Waverly, Tenn., if he saw fit and then only through a trustee, and to pay his way at the university afterwards if he so desired.

13th.

It is error in the court to allow the father to see the child only at the home of H.B. Parker (the child's mother's father) or at the home of S.B. Parker in Waverly, people hostile to the father of the boy and in whose presence it could be no pleasure for the father to see and talk with the child.

14th.

The court erred in refusing a modification of its judgment allowing the father to take the child for thirty days visit each year to his home.

15th.

The court erred in not awarding relator the custody of the child and erred in rendering any judgment against him.

Which motion for a new trial is by the court overruled to which plaintiff excepts.

Thereupon relator moved for an arrest of judgment which the court likewise overruled to which ruling of the court relator again excepted.

Relator thereupon prayed an appeal in the nature of a writ of error to the next term of the Court of Civil Appeals at Nashville, Tenn. which appeal is granted in condition an appeal bond is made as required by law, and upon application of relator and for sufficient cause appearing therefor he is allowed thirty days from the adjournment of this court in which to make and file said bond and prepare and file a bill of exceptions.

Mrs. Nannie C. Teas et al, }  
vs. } In Circuit Court, Waverly Tennessee.  
Luff-Bowen Co. et al, }

Comes the Defendant Beckwith Company, by its Attorney and moves the Court for dismissal of this suit against it upon the following grounds:-

1st.

That the Beckwith Company is a Foreign Corporation, and has never been served with proper process, the suit having been commenced in Humphreys County by summons and Attachment with Counter part Summons issued to Davidson County Tenn. and served upon J.C. Barker, sales agent of Deft Beckwith Company at the time of the transaction out of which the suit arises took place.

2nd.

That the Counter part Summons was not served upon any agent of defendant Beckwith Company found within the County where the suit was brought, and was not served upon any Agent representing the Deft. Beckwith Company at the time of the transaction out of which the suit arises, while in the County where said suit is pending.

3rd.

That the suit has been commenced by summons and Attachment at the same time; that there can not be two leading processes at the same time, in the same suit, against the same defendant, That if the summons is bad, the Attachment being ancillary, is also bad and follows the summons.

4th.

There is no statutory grounds set forth in the affidavit for the attachment if the service of the summons is defective, and the attachment substituted for the leading process in the case, and no publication as provided by law.

5th.

That the attachment is executed by garnishment, and garnishment can not be made the leading process in the suit.

Mrs. Nannie C. Teas et al. }  
vs. } Circuit Court Waverly Tennessee.  
Luff Bowen Co. et al. }

Judgment of Court on Motion of Deft Beckwith Company to dismiss suit as to it for want of jurisdiction of it.

The Court sustained said motion as to personal service of the Counter part writ issued to Davidson County in this case, and served upon J.C. Barker, sales agent of Deft Beckwith Co. at the time of the transaction out of which suit arises took place, and said service did not bring the Deft Beckwith Co. before the Court and as to it the action personam must be abated, but the attachment issued in this case is sustained as an original attachment, and said motion as to it is disallowed.

To the action of the Court in not suppressing the Attachment in this case, the Deft Beckwith Company, excepts.

The Plaintiff excepts to that portion of above order that sustains the motion holding that the service on J.C. Barker, sales agent for deft. Beckwith Co. did not bring said Beckwith Co. before the Court -&c.

Minutes Circuit Court, Humphreys County, August Term, 21 day of August 1920

Court then adjourned until the Court in Course.

W. L. Cook  
Judge

CAPTION DECEMBER TERM OF CIRCUIT COURT A.D. 1920

STATE OF TENNESSEE  
HUMPHREYS COUNTY

Be it remembered that a Circuit Court was opened and held in and for the County of Humphreys, at the court house in the town of Waverly Tenn. on the 13th. day of December, it being the 2nd. Monday in said month, and the One Thousand Nine Hundred and Twentieth year of our Lord. And the One Hundred and Forty Fifth year of American Independence.

Present and presiding the Hon. W.L. Cook, Judge of the 9th. Judicial District of the State of Tennessee.

Court was opened in due form of law by W.B. Bryant Sheriff of Humphreys County and Tennessee, and by him was returned into open Court a writ of Venire Facia showing that the following named persons were appointed by the County Court at its October Term 1920, to appear and to serve as jurors at this the present term of this court to wit: J.M. Williams, Winstead White, Charley Horner, Lenard Petty, Epheam Scholes, J.C. Wilkerson, Pell Corbitt, J.E. Parker, John Shaver, J.H. Patterson, C.J. Blessing, Willie Wallace, B.F. Holland, J.M. Choate, M.M. Dowdy, A. Hood, Jas. A. Young, J.B. Long, Will Trogden, Bob Pewett, Sandy Ellis, W.B. Ballard, R.L. Mulliniks, Norman Stricklin, R.A. Chance, and Bob Shaw. and it appearing to the court, that the above named parties were regularly summoned by the Sheriff of Humphreys County, and that jurors so summoned appeared and answered said summons except Lenard Petty, J.M. Choate, Jas. A. Young, Will Trogden, Bob Pewett, Norman Stricklin, Bob Shaw, R.A. Chance, John Shaver who were excused by the court for cause and F.N. Scholes, W.A. Brown, J.F. Hooper, Willis Bass, W.I. White, D.M. Cooper and H.M. Turner, were appointed by the Court and duly qualified to fill the vacancies, out of said jurors so summoned and appearing were drawn a Grand Jury to wit: A. Hood, J.M. Williams, B.S. Holland, Charley Horner, J.B. Long, J.C. Wilkerson, Sandy Ellis, Winston White, Olge Wallace, J.H. Patterson, and J.N. Handlin and C.J. Blessing, Out of whom J.N. Handlin, is by the Court appointed Foreman and the said Grand Jury is in all things as the law directs, having been duly elected tried and sworn and charged by the Court retired to their room in charge of J.W. Knight a Deputy Sheriff of Humphreys County sworn according to law attend them in considering presentments and indictments.

G.R. McKee agents

vs. Damage.

W.S. Mays

Came the parties by their attorneys and came a jury of good and lawful men of Humphreys County to wit: F.N. Scholes, Epheam Scholes, Pell Corbitt, W.A. Brown, R.L. Mulliniks, John Fields, Tom Gwin, D.M. Cooper, M.M. Dowdy, J.E. Parker, H.M. Turner, and W.B. Ballard, who being elected empanelled and sworn to try the matters

Minutes Circuit Court, Humphreys County, December Term, 13 day of December 1920

in controversy, who after hearing part of the evidence, and having time to complete trial, said jury was respited by the Court until tomorrow morning at 9 o'clock.

J.R. Smith and son.

vs. Condemnation.

E.L. Chance et al.

T.J. Haney a Justice of the Peace for Humphreys County, Tennessee filed here in court the following papers.

WARRANT,  
State of Tennessee Humphreys County. To any lawful officer, within said County, You are hereby commanded to summons, E.L. Chance, W.R. Chance, and L.A. Melton, to personally appear before me or some other acting Justice of the Peace for said County, to answer the complain of J.R. Smith and Son, in a plea of debt due by note under \$500.00, Given under my hand and Seal, this the 22nd. day of November 1919. T.J. Haney Justice of the Peace.

#### OFFICER'S RETURN.

Came to hand same day issued, and executed by reading the within Warrant, to W.R. Chance, Mrs. L.A. Melton and citing them to appear before T.J. Haney Esq. for trial the 10th. day of Jan. 1920 at 12 o'clock. Sam Jones D.S. Executed by reading the within summons to E.L. Chance and citing him for trial before T.J. Haney J.P. at his office in Waverly Tenn. 10th. day of January 1920 this Dec. 1919 J.W. Fowler Special Deputy Sheriff

J.R. Smith and Son, Vs. E.L. Chance, W.R. Chance, L.A. Chance. In this cause, I render judgment for the Plaintiff and against the defendant for \$284.45 Dollars and all costs of suit for which execution may issue. This 2nd. day of April 1920, T.J. Haney, Justice of the Peace.

Filed May 17, 1920. Albert Binkley Clerk.

#### EXECUTION

State of Tennessee Humphreys County, To any lawful officer to execute and return. You are hereby commanded that of the goods and chattles, lands and tenements of E.L. Chance, W.R. Chance, and L.A. Melton, you to be made the sum of Two Hundred and Eighty Four Dollars and Forty Five cents, and cost of suit to satisfy a judgment which J.R. Smith and Son, obtained before T.J. Haney Justice of the Peace, on the 2nd. day of April 1920, against the said E.L. Chance, W.R. Chance, and L.A. Melton, and such money when collected pay to the said Tubbs, and Shannon Attorneys. Given under my hand and seal, this the 1st. day of May 1920. T.J. Haney Justice of the Peace.

#### LEVY.

The foregoing attached execution, came to hand when issued, and search made and no personal property, belonging to any of said defendants, therein to be found in my county. I therefore levy the said execution upon the following described real estate, for the purposes of collecting, and satisfying such execution to wit: two tracts of land in the old fourth New 5th. Civil District of Humphreys County Tennessee, bounded as follows: First tract being on a hickory and running South 16° West 27 poles to Leon Laseure's corner; thence South 6° E. with said Laseure's line to a stake in said Laseure's South corner; thence North 2 degrees 57 poles to a stake; thence West 55 poles and 8 Links to the beginning, containing 18 acres more or less. Second tract being on a sour wood saplin in J.M. Bibb's line running East 34 poles



to a Black oak, in J.J. Fullr's line: thence South 22 poles to a chestnut; thence West 22 poles to an iron wood; thence South 28 poles to a white oak stump it being corner of Leon Lasuer's Buzzard Branch place thence West 20 poles to a white oak bush in W.E. Shutz's lines on the the bank of Buzzard spring thence North 50 poles to the beginning, containing 10 acres more or less. Also another tract in same District and County, and described as follows: Bounded on the North by the lands of Parnell and on the South by the lands of Laseur, on the East by the lands of Padnell, on the West by the lands of Parnell, containing 15 acres. Also an other tracts in the same District and County etc. and Bounded as follows: on the North by Parnell, on the South by Laseur, on the East by Pace Bothers and on thr West the lands of Parnell, containing 3 acres, all levied on as the property of the said W.R. Chance onr of said defendants for purposes above set out. This May the 14th. 1920, W.B. Bryant Sheriff of Humphreys County Tennessee.

Filed May 17 1920 . Albert Binkley  
Clerk.

## MOTION

And on Motion of plaintiff, it is ordered by the court, that the lands so levied upon be sold by the Sheriff of Humphreys County Tennessee, to satisfy the aforesaid judgment T.J. Hanev J.P. and the costs of this proceedings

Court then adjourned until tomorrow morning at 9 o'clock,

*W.D. Cook*  
Judge

Court met pursuant to adjournment present and presiding the Hon. W.D. Cook Judge.

State of Tennessee against Jess Jackson et.al. this case is ordered dropped , and placed upon the retired docket.

State of Tennessee against Cecil Bishop Gaming, this case is ordered dropped, and placed upon the retired docket.

State of Tennessee against Walter Ethridge Larceny. This case an Alias Capias is ordered issued for the Defendant.

State of Tennessee }  
vs. } Drunkenness  
Dillard Wells }

In this case came the Attorney General for the State and the defendant in person, and plead guilty as charged in said bill of indictment. Whereupon the recommendation of the Attorney General a nolleprosequi is enter in this case upon the defendant paying or securing the costs, then came into open court A. Hood and entered his name as surety for all the costs. It is therefore ordered adjudged and decreed by the court that the State of Tennessee recover of the defendant and his said surety all the costs in this case for which let execution issue.

State of Tennessee }  
vs. } Drunkenness  
T. Rawls }

In this cause a plea of abatement is sustained because of a misname and the defendant is didcharged.

State of Tennessee }  
v s. } Drunkenness  
Grady Stringer }

In this case came the Attorney General for the State and defendant in his own proper person , and plead guilty as charged, whereupon the recommendation of the Attorney General, anoleprosequi is entered in this case upon the defendant paying or securing the costs, then came into open court D.C. Stringer and G.E. James and entered their names as sureties for all the cost in this case. It is therefore ordered adjudged and decreed by the court that the State of Tennessee recover of the defendant and his said sureties all the said costs for which let execution issue.

State of Tennessee }  
vs. } Gaming  
Tom Crawford et.al. }

In this case came the defendants Albert Stricklin and Otto Sharp and enter a plea of guilty, and this case is continued by consent, and Alias Capias issue for the defendant Tom Crawford.

State of Tennessee vs. Sam Daniel, Drunkenness, B.D. and Carrying a pistol.  
In the three aboved styled cases the defendant enter a plea of guilty, and the aforesaid cases are continued until next term by consent.

State of Tennessee }  
vs. } Selling Cigarrets  
H. Rushing }

In this case came the Attorney General for the State , and the defendant in his own proper person, and plead guilty as charged, whereupon the Court assess the penalty and say he shall pay a fine of Fifty Dollars together with all the cost, and in the event of his failure to pay or secure said fine and costs he will be confined in the County Jail or work-house until he pay secure or work out all of said fine and cost.

State of Tennessee }  
vs. } Drunkenness  
Fred Heath }

In this case came the Attorney General upon the part of the State and the defendant in his own proper person , and plead guilty as charged, whereupon the Court assess the penalty and say he shall pay a fine of Five Dollars together with all the cost, then came into open court E.L. Hassell, V.V. Jackson and J.E. Parker and enter thier names as sureties for all of said fine and cost. It is therefore ordered adjudged , and decreed by the court, that the State of Tennessee recover of the defendant and his said sureties all of said fine and cost for which let execution issue.

Minutes Circuit Court, Humphreys County, December Term, 14 day of December 1920

G.R. McKeel agent et, al

vs. Damage.

W.S. Mays

Came again the parties, by their attorneys and they came again the jury of good and lawful men of Humphreys to wit: F.N. Scholes, Ephraim Scholes, W.A. Brown, R.L. Mulliniks, John Fields, Tom Gwin, D.M. Cooper, M.M. Dowdy J.E. Parker, H.M. Turner, M.M. W.H. Ballard, and Pell Corbitt, who had heretofore been elected empaneled and sworn to try the matters in controversy, who after hearing all the evidence in the case and part of the argument, and not having time to complete the trial said jury was respite by the court until tomorrow morning at 9 o'clock.

W. L. Cook  
Judge

Court met pursuant to adjournment present and presiding the Hon. W.L. Cook, Judge.

State of Tennessee )  
vs. ) Gaming  
Stewart Strahle et, al, )

In this case came the Attorney General upon the part of the State, and the defendants Stewart Strahle in person, and the defendant Roy Buchanan by his attorney, and plead guilty as charged, whereupon the court assessed the penalty and say they shall pay a fine of Five Dollars each together with all the cost, then came into open court the defendant Stewart Strahle and deposited with the Clerk of this court One One Hundred Dollars Liberty Bond as security for said fine and cost. It is therefore ordered adjudged and decree by the Court that the State of Tennessee recover of said Stewart Strahle the fine of Five Dollars and cost of this cause, and in default of payment by said defendant within 90 days, that the Clerk sell said bond at the market price, apply the proceeds to the satisfaction of this judgment and pay the remainder to said Strahle. Then came into court J.H. Buchanan attorney for Roy Buchanan, and payed into court the fine and cost adjudged against Roy Buchanan and that both the defendants be discharged without day.

This day the grand Jury came into open court in a body and present the following indictments and presentments. On against Rayman Taylor Col assault with intent to commit murder in the first degree which indictment is in the words and figures following to wit: State of Tennessee. Humphreys County. Dec. Term of Circuit Court, A.D. 1920. The Grand Jurors for the State of Tennessee, elected, empaneled, sworn and charged to inquire for the body of the County of Humphreys and State aforesaid, upon their oath aforesaid present that Rayman Taylor Col, of said County, heretofore to wit on the 13th. day of August 1920 with force of arms, in the County aforesaid, unlawfully feloniously, willfully, deliberately premeditatedly and maliciously, did make an assault upon the body of one A.W. Work with a certain pistol with the unlawful and felonious intent, then and there him, the said A.W. Work unlawfully, feloniously willfully, premeditatedly, and of his malice aforethought, to kill and upon him to commit the crime and felony of murder in the first degree, against the peace and dignity of the State. Jno. B. Bowman Attorney General.

Minutes Circuit Court, Humphreys County, December Term, 15 day of December 1920

Dec. Term 1920 The State vs. Rayman Taylor Col. Assault with intent to commit murder in the first degree A.W. Work Prosecutor, Subpoena for the State A.W. Work, Jno. Kennedy Lester Trotter, Earl Trotter. Witnesses sworn by me on this indictment before the Grand Jury Dec. 1920 J.N. Hanlin Foreman Grand Jury Jno. B. Bowman Attorney General A TRUE BILL J.N. Hanlin Foreman Grand Jury.

One against Rayman Taylor Carrying a pistol. Subpoena for the State A.W. Work, Jno. Kennedy, Lester Trotter, Earl Trotter.

State of Tennessee )  
vs. ) Unlawful trespassing  
R.J. Ellis )

In this case the Grand Jury returned a indictment marked not a true bill. It is therefore by the Court that the defendant be discharged.

State of Tennessee )  
vs. )  
Frank Moran Col. )

In this case the Grand Jury, an indictment marked not a true bill It is therefore ordered by the court that the defendant be discharged.

State of Tennessee )  
vs. ) Forgery  
Ed Sharp )

In this case the Grand Jury returned an indictment marked not a true bill. It is therefore ordered by the court that the defendant be discharged.

State of Tennessee )  
vs. ) Taking corn from stalks  
Odel Peach )

In this case the Grand Jury returned an indictment marked not a true bill. It is therefore ordered by the court that the defendant be discharged.

Mrs. Nannie C. Teas et, al,  
vs. ) In the Circuit Court of Humphreys County, Tenn. Dec. Term 1920  
Luff Bowen Co. Et, al )

Came the plaintiffs and moved the Court for an order requiring the defendants Luff Bowen Co. a firm of E.P. Luff and Jess Bowen to pay into Court the sum of \$1357.84 the amount they admit in their answer to the garnishment sued out against them under the attachment in the case against defts. Bechwith Co. that they owe said defendants Bechwith Co. and that the Clerk of this Court be appointed Receiver for said sum that he collect same, and hold it subject to the orders of this Court, pending the determination of this cause.

Thereupon the Court allowed said motion and ordered that Defts. Luff - Bowen Co. E.P. Luff and Jess Bowen pay the amount aforesaid into the hands of said Clerk or that they if they so prefer may execute bond in due form and properly certified conditioned with good and solvent surety for the payment of said sum together with interest thereon into court at any time the court may direct such bond must be executed and approved before adjournment of this term of the court and if not that then the sum aforesaid must be paid into court as above ordered.

E.E. Littleton )  
vs. ) Appealed J.P.  
R.J. Ellis ) In the Circuit Court at Waverly Tenn.

This cause was heard before the court without the intervention of a jury on a compromise agreement, between the parties whereby it was agreed that judgment for Seventy Five dollars and costs of the suit should be entered against the defendant and his surety on his appeal Bond to wit G.R. McKeel.

It is therefore considered by the court that the plaintiff Littleton recover of the defendant ~~XXXXXXXX~~ R.J. Ellis and G.R. McKeel his surety on his appeal bond the sum of Seventy Five dollars and costs of this suit for which execution will issue.

Gr R. McKeel agt.et.al )  
vs. ) Circuit Court Humphreys County.  
W.S. Mays )

The defendant at the close of the plaintiff's evidence in chief moved the court for peremptory instructions for a direct verdict in favor of the defendant for failure of evidence to make out a case under the pleadings which motion the court over ruled to which rulling the defendant excepts.

G.R. McKeel agt.et.al, )  
vs. ) In Circuit Court at Waverly Humphreys County, Tennessee.  
W.S. Mays )

Came again the parties by their attorneys, and also came the jury of good and lawful men of Humphreys County to wit: F.N. Scholes Ephrem Scholes, W.A. Brown, R.L. Mulliniks, John Feild, Tom Gwin, D.M. Cooper, M.M. Dowdy, J.E. Parker R.M. Turner, W.H. Ballard, and Pell Corbitt, who had heretofore been elected empaneled and sworn to try the issues, who after hearing all the evidence in the case and ~~xxxx~~ argument of counsel on both sides of the case, and the charge of the court, upon their oaths do say, that they are unable to agree upon a verdict in this case. It is therefore considered by the court, that the jury be discharged, and that this cause be retained on the docket by the Clerk for retrial at some future term of this court.

Court then adjourned until tomorrow morning at 9 o'clock.

W.L. Cook  
Judge.

Court met pursuant to adjournment. present and presiding the Hon. W.L. Cook, Judge

State of Tennessee )  
vs. ) Forfeiture  
Pap Nichols, Rena Higgins )  
Will Waddy and T.C. Flowers X

In this cause on motion of the Attorney General for judgment on the forfeiture heretofore taken herein it appearing to the Court that Scire Facias was regularly issued, and legally served on the bondsmen Rena Higgins Will Waddy and T.C. Flowers requiring them to appear as required by law to show cause why judgment should not be rendered against them herein and no cause being shown. It is therefore ordered, adjudged and decreed by the court that the State of Tennessee for use of Humphreys County Tenn. recover of the said bondsmen aforesaid the sum of

Thirty Five Dollars for which let execution issue. Said forfeiture being reduced for sufficient reasons shown to the Court.

State of Tennessee )  
vs. ) Assault with intent to commit murder in the first degree and for  
Rayman Taylor col. ) carrying a pistol.

In this cause it appearing to the Court, that the defendant is under 16 years of age, this case is hereby transferred to the Juvenile Court of Humphreys County, Tenn., for further hearing, and that the Clerk of this court will send all the papers in this case to the Juvenile court.

Luff -Rowen Co. )  
vs. )  
Mrs. Nannie C. Teas )

In this cause on motion of plaintiff to amend their declaration filed herein on December 13th. 20 by inserting after the words Furnace the words " Acts, as per itemized statement is allowed by the Court and said Declaration is so amended.

A.W. Work )  
vs. ) In Circuit Court of Humphreys County, at Waverly Tenn.,  
Frank York )

It appearing to the Court, that after the payment of the costs of this case, a motion to retax said cost, was made by the defendant who has not presented the matters complained of to the Court, although several terms of the court have issued since the making of said motion. It is therefore dismissed, and the Clerk is directed to distribute the funds he now holds to all whomsoever are entitle to it.

State of Tennessee )  
vs. ) Drunkenness  
Briney Ingram )

In this cause came the Attorney General for the State and the defendant in person and by attorney, who being duly charged and arraigned on said bill of indictment pleads former conviction and not guilty.

Thereupon to try the issues/ joined came a jury good and lawful men of Humphreys County to wit: F.N. Scholes, Ephrem Scholes, Pell Corbitt, J.E. Parker, D.M. Cooper, W.H. Ballard, Willis Bass, W.A. Brown, R.L. Mulliniks, W.I. White, Tom Gwin, and W.H. Owens, who, being duly elected tried and sworn according to law and after hearing all the proof, argument of counsel and the charge of the Court upon their oaths do say, they find against the defendants plea and find him guilty as charged in said bill of indictment.

It is therefore ordered adjudged and decreed by the court that for the offense aforesaid the defendant pay or secure a fine of five dollars and the cost of this cause for which let execution issue, and in the event of his failure to pay or secure the same he will be confined in the county Jail or work house of Humphreys County until the same is paid, secured or worked out.

It is further ordered by the court that defendant be confined in the County Jail for a period of 90 days but said Jail sentence is suspended until next term of court.



State of Tennessee  
vs. ) Drunkenness  
E.R. Parnell )

In this cause came the Attorney general for the State and the defendant in person and by attorney, who being duly charged and arraigned on said bill of indictment pleads ~~xxxxxxx~~ not guilty.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, to wit: F.N. Scholes, Ephrem Scholes, J.E. Parker, R.L. Mulliniks, W.A. Brown, Pell Corbitt, Tom Gwin, D.M. Cooper, Willis Bass, W.H. Ballard, W.I. White, who being duly elected, tried and sworn according to law and after hearing all the proff argument of counsel and the charge of the court upon their oaths do say they find against the defendant guilty as charged in the bill of indictment.

It is therefore ordered adjudged, and decreed by the Court that for the offense aforesaid the defendant pay a fine of Five dollars and the costs of this cause for which let execution issue, and in the vent of his failure to pay or secure the same he will be confined in the County Jail or Work- House of Humphreys County until the same is paid, secured or worked out.

State of Tennessee  
vs. ) Assault with intent to commit murder in the first degree  
Jim Clayburn )

In this case came the Attorney General upon the part of the State and the defendant in person and by his attorneys, when upon the recommendation of the attorney general, a Noleprosequi is entered in this case upon the defendant paying or securing the cost, then came into open court L.M. Clayburn and J.A. Crowell and entered name as sureties for all of said cost in this case.

It is therefore ordered ~~and~~ adjudged, and decreed by the court that the State of Tennessee recover of the defendant and his sureties all of said cost in this case for which let execution issue.

State of Tennessee vs. Jess Tubb, P.L. Hensley, and Bob Burns, Forfeiture.

In this case it is ordered by the Court that this case be continued for the benefit of the bondsmen P.L. Hensley and Bob Burns, bondsmen for Jess Tubb, so that they could bring the said Jess Tubb, into court, and the case is continued until next term.

State of Tennessee  
vs. )  
Dick Weatherspoon, ) Contempt  
Wesley Hood, and )  
W.A. Franklin )

On motion of the Attorney General, and for sufficient cause, this case is dismissed, without any costs.

Ezra Potter  
vs. ) Petition for divorce.

Lucy Potter )  
In this case it appearing to the court, when this case came on for trial that the plaintiff having failed to appear and prosecute his case Therefore the court ordered that this case be dismissed, and dropped from the docket and the plaintiff taxed with the cost of this case for which let execution issue.

Mrs. Ella P. Young  
vs. ) In Circuit Court at Waverly Tenn.  
J.L. Smith Sheriff )

It appearing that heretofore to wit Oct. 19 1920 execution issued to Sheriff of Humphreys County W.B. Bryans against the said Ella P. Young and her sureties on appeal Bond, and it appearing that that the Sheriff failed to levy said execution or in any way return same to the last day of the present term. It is therefore ordered that the said sheriff return said execution unsatisfied and Alias execution is directed to issue to said sheriff immediately after the adjournment of this court.

This day the Grand Jury came into open court in a body and present the following indictments and presentments.

One against J.P. Cowen breach of the peace, which indictment is in the words and figures following to wit: State of Tennessee, Humphreys County. Dec. Term of Circuit Court A.D. 1920. The Grand Jurors for the State of Tennessee, duly elected, empaneled, sworn, and charged to inquire for the body of the County of Humphreys, and State aforesaid, upon their oath aforesaid, present that J.P. Cowen heretofore, to wit, on the 18th. day of October 1920, in said County and State, unlawfully wantonly, and publicly cursed and abused one J.A. Tomlinson and by using harsg language, angry words and other boisters conduct in a public place in the presence and hearing of diverse good citizens the said J.P. Cowen was guilty of conduct calculated to cause a breach of the peace, to the evil example of all others likewise offending contrary to the statute and against the peace and dignity of the State. Jno. B. Bowman Attorney General.

Dec. Term 1920. THE STATE vs. J.P. Cowen, Mis- J.A. Tomlinson Prosecutor. Subpoena for State. J.A. Tomlinson, J.A. Slayden Grover Williams, Witnesses sworn by me on the indictment before the Grand Jury Dec. Term 1920 J.N. Hanlin Foreman Grand Jury. Jno. B. Bowman Attorney General. A TRUE BILL J.N. Hanlin Foreman and the Grand Jury.

One against Ed. Sharp False Pretense, which indictment is in the words and figures following to wit:- State of Tennessee Humphreys County. Dec. Term of Circuit Court A.D. 1920. The Grand Jurors for the State of Tennessee, duly elected, empaneled, sworn and charged to inquire for the body of the County of Humphreys, and State aforesaid, upon their oath aforesaid, present that Ed. Sharp, heretofore to wit, on the 1st. day of August 1920, in said County and State, unlawfully, fraudulently and feloniously obtained from J.L. Byrn and Son, groceries and merchandise of the value of ten dollars and of the goods, and chattles of them, the said J.L. Byrn and son by means of feloniously, falsley and fraudulently pretending that he was making ties for one S.E. Brigham and that he had eighteen dollars worth of ties made for which the said S.E. Brigham owed him eighteen dollars at that time, which pretense was wholly false and untrue and the defendant well knew the same to be false and untrue, with intent to deprive them, the said J.L. Byrn and Son the true owners thereof and defraud them, the said J.L. Byrn & Son, contrary to the Statute and against the peace and dignity of the State.

Jno. B. Bowman Attorney General

Dec. Term, 1920. THE STATE vs. Ed Sharp, False Pretense, Joe Byrn Prosecutor. Subpoena for the State Joe. Byrn, Tom Byrn S.E. Brigham. Witnesses sworn by me on this indictment before the Grand Jury Dec. Term 1920 J.N. Hanlin Foreman Grand Jury. Jno. B. Bowman Attorney General. A TRUE BILL J.N. Hanlin Forman Grand Jury.

Minutes Circuit Court, Humphreys County, December Term, 14 day of December 1920

This day the Grand Jury came into open court in a body and present the following presentments.

One against Bob Baker Drunkenness, Subpoena for the State Jno. W. Knight, Hugh McCann, H.F. Fortner.

One against Mrs. Emma Ross. Disorderly House, subpoena for the State Jno. Crowell, Willie Arrington Grady Brown, Joe Ridings, Jim Pentress.

One against Hiram Turberville Drunkenness. Subpoena for the State Tom Townsend, Edward Townsend, Virgie Townsend Allie Townsend.

One against Kitt Hobbs B.D. Subpoena for the State Lem Ruston W.R. Ruston.

One against Briney Ingram Drunkenness. Subpoena for the State ~~W.H. Hickman, T.E. Williams~~ ~~W.C. Morrison, Hedge Porch, Mrs. Sallie Ingram Roy Norwood.~~

One against Barthell Marable. Carrying a pistol, Subpoena for the State G.G. Jarrell Matt, Gunn.

One against Howard Mayberry Drunkenness. Subpoena for the State Jno. A. Young, Ollie B. Young, Margie Wallace Harry Wallace Jno. F. Young.

One against Clayton Sutton, Drunkenness, Subpoena for the State Will McKnight, Jess Harros, R.J. Simmons, Mrs. Jess Harris, Maibelle McKnight.

One against Ruben Simmons Drunkenness. Subpoena for the State Will McKnight, Jess Harris Mrs. Jess Harris, Maibelle McKnight.

One against Bob Dreaden, Drunkenness, Subpoena for the State Jess Harris, H.F. Fortner, R.J. Simmons, Jno. Daniel, Mrs. Jess Harris Maibelle McKnight, Lee Headrick.

One against Goe. Mathews Drunkenness Subpoena for the State Jess Harris, Dr. Coke, Mrs. Jess Harris, Maibelle McKnight.

One against Bob Stricklin, Drunkenness Subpoena for the State Miss Mattie Carroll, Mrs. Jim Carroll, Mrs. Sallie Ingram.

We, the members of the Grand Jury for the Humphreys County of Humphreys for the Dec. Term of the Circuit Court, beg leave to submit the following report to Your Honor.

We have true presentment made of all offenses given us in charge or otherwise brought to our knowledge.

We have visited the County Jail and Poor House and find the prisoners and inmates well fed and cared for, but three windows lights are out at the Jail where prisoners are confined and should be replaced at once and additional cover is needed for the prisoners. We found the County Poor house in a bad condition every way and much work needed to be done to make it decent to live in and to make it comfortable. The sides room needs a new roof, the weather boarding needs repairing, and the house repaired generally, The log barn needs repairing. All the windows are out, stairs to the main dwelling but we were informed new ones had been ordered. The lower windows need repairing, and the smoke house needs a new roof. This matter should be called sharply to the attention of County Court and be looked after by them at once.

We found all bonds properly executed and good and solvent for the several amounts thereof and now having completed our labors we respectfully ask to be discharged for term. This Dec. 18, 20. J.N. Hanlin Foreman. A. Hood, B.S. Holland, C.R. Horner, J.B. Long, J.C. Davidson, C.J. Blessing Snady Ellis, J.F. Hooper, Winston White, Ollie Wallace, J.H. Patterson J.M. Williams.

Court then adjourned until court in course.

W.L. Cook Judge.

Minutes Circuit Court, Humphreys County, April Term, 18 day of April 1921

CAPTION APRIL TERM OF CIRCUIT COURT A.D. 1921.

State of Tennessee

Humphreys County.

Be it remembered that a Circuit Court was opened and held in and for the County, of Humphreys, at the court house in the town of Waverly, Tenn. on the 18th. day of April, it being the 3rd. Monday in said month, and the One Thousand Nine Hundred and Twenty first year of our Lord. And the One Hundred and Forty fifth year of American Independence.

Present and presiding the Hon. W.L. Cook, Judge of the 9th. Judicial Circuit of the State of Tennessee.

Court was opened in due form of law by W.B. Bryant, Sheriff of Humphreys County, Tennessee, and by him was returned into open court a Writ of Venire Facia showing that the following named persons, were appointed by the County, Court at it's April Term 1921, to appear and to serve as jurors at this the present term of this court, to wit:- W.S. Knight, Tom Cleghorn, S.E. Bryant, R.N. O. Guinn, Alvin Corbett, W.D. Moore, J.M. C. Young, T.F. Merdith, H.H. Pullen, Frank Stage, J.M. Hatcher, G.L. Williams, Marion Wallace P. Sheehy, W.H. Rice, T.K. Simpson, Pony Mackins, Henry Scurlock, W.T. Patterson, Henry Williams, Stewart Strahle, D.W. Owens, W.T. Bird and it appearing to the Court, that the above named parties were regularly summoned by the Sheriff of Humphreys County, and that said jurors so summoned appeared and answered said summons except. Frank Stage, J.M.C. Young, Tom Cleghorn, W.H. Rice, who were excused by the court for various causes, and John W. Daniel, Tom Bryant W.W. Hickman Oscar Davis Claud Luton, and Billie O Barr, were appointed by the court and duly qualified to fill said vacancies, out of said jurors so summoned and appearing were drawn a Grand Jury to wit: D.D. Collier Foreman, S.E. Bryant, P. Sheehy, R.N. OGuinn, Alvin Corbett, T.F. Merdith, M.J. Wallace, H.H. Pullen, J.M. Hatcher, W.T. Bird, W.D. Moore, D.M. Owens, and W.T. Patterson out of whom D.D. Collier is appointed by the court Foreman, and the said Grand Jury is in all things as the law directs having been duly elected tried, sworn, and charged by the court retired to their room in charged of EX J.W. Knight a Deputy Sheriff of Humphreys County sworn according to law to attend them in considering presentments and indictments.

State of Tennessee }  
vs. }  
Howard Mayberry }

In this case came the Attorney General for the State, and the defendant in his own proper person and plead guilty as charged, in said bill of indictment, whereupon the court assess the penalty, and say he shall pay a fine of five dollars together with all the costs, then came into open court W.S. Miller and W.A. Miller Jr. and enter their names as sureties for all of said fine and cost, It is therefore ordered adjudged and decreed by the court that the State of Tennessee recover of the defendant and his sureties all of said fine and costs for which let execution issue.

State of Tennessee } False protense.  
vs. }

Ed Sharp }

In this case came the Attorney General for the State and the defendant in his own proper person, when upon the recommendation of the Attorney General a nolleprosequi is entered upon the defendant paying the cost, then came into open court J.L. Sharp and paid the clerk of this court all the costs in this case,  
It is therefore ordered that the defendant go hence without day.

State of Tennessee,  
vs. ) Drunkenness  
Clayton Sutton )

In this case came the Attorney General for the State and the defendant in person and plead guilty as charged, whereupon the court assess the penalty and say he shall pay a fine of five dollars together with all the costs, then came the defendant into open court, and paid the Clerk of this court all of said fine and cost  
It is therefore ordered adjudged and decreed by the court that the defendant go hence without day.

State of Tennessee  
vs. ) Drunkenness  
Rubin Simmons )

In this case came the Attorney General for the State and the defendant in person and plead guilty as charged, whereupon the court assess the penalty and say he shall pay a fine of five dollars together with all the cost, then came into the open court the defendant and paid to the Clerk of this court all of said fine, and cost  
It is therefore ordered adjudged and decreed by the court that the defendant go hence with out day.

State of Tennessee,  
vs. ) Drunkenness  
Bob Stricklin )

In this case the defendant enter a plea of guilty, and the case is continued until the next term of this court.

State of Tennessee  
vs. ) Drunkenness  
Bob Baker )

In this case came the Attorney General for the State, and the defendant in his own proper person and plead guilty as charged, whereupon the court assess the penalty, and say he shall pay a fine of five dollars together with all the cost, then came into open court the defendant and paid to the Clerk of this court all of the said fine and cost.  
It is therefore ordered adjudged and decreed by the court that the defendant go hence without day.

State of Tennessee  
vs. ) B.D.  
Kitt Hobbs )

In this case came the Attorney General for the State and the defendant in his own proper person and plead guilty as charged, whereupon the court assess the penalty and say he shall pay a fine of fifty dollars together with all the

cost, then came into open court Jno. B. Bowman and entered W.H. Joes' name as surety for all of said fine and costs.

It is therefore ordered adjudged and decreed by the court that the State of Tennessee recover of the defendant and his surety all of said fine and cost for which let execution issue.

State of Tennessee,  
vs. ) Failure to work road.  
Alonzo Trull )

In this case the Grand Jury return an indictment marked not a True bill. It is therefore ordered by the court that the defendant be discharged.

Court then adjourned until tomorrow morning at 9 o'clock

W.L. Cook  
JUDGE.

Court met pursuant to adjournment, present and presiding the Hon. W.L. Cook, Judge etc.

J.M. Capps )  
vs. ) Appealed. J.P.  
J.M. Allison ) In Circuit Court of Humphreys County, Tennessee.

Came the parties upon the hearing of this cause before the judge without the a jury, and upon the record and all the proof in the case and argument of counsel the Court found that the defendant is justly indebted to the plaintiff in sum of Forty five Dollars on the account sued on in this case.  
It is therefore considered by the Court that the plaintiff recover of the defendant the sum of forty-five dollars and all the costs in the case for which execution will issue.

J.R. Fowkes )  
vs. ) Appealed J.P.  
John Brown ) In the Circuit Court for Humphreys County, Tennessee.

In this case came the defendant, John Brown, by attorney and dismissed his petition of certiorari and supersedure and appeal from the J.P. And it appearing that an execution had issued in this case from the Justice of the peace and that the debt and the costs of the case before the Justice of the peace had been collected by the officer before the certiorari and supersedure were issued and that the officer upon the issuance of said writs turned fund over to the clerk of this court and the same is now in his hands.

It is therefore adjudged that the judgment going to the plaintiff so collected as aforesaid be paid over by the clerk to said plaintiff and the costs so collected be paid to the parties to whom it is due. The costs incident to the suing out the writs of certiorari and supersedure and the cost in this court are adjudged against the said John Brown and Rob Wright the surety on his bond given in the case for which execution will issue.





State of Tennessee against Bob Stricklin, In this case came the defendant in person and enter a plea of guilty, and by consent this case is continued until next term.

Western Union Tel. Co. Vs. N.C. & St. L. R.R. Co. This case is continued until the next term of this court.

Lizzie Mays Vs. Jess Mays. This case is continued by the petitioner.

N.B. Bradley vs. Union Mercantile Co. This case is continued by consent until next term

G.R. McKeel vs. W.S. Mays. This case is continued until next term of this court upon the application of the defendant.

Annie Lou. Peach vs. Lucas Peach. This case is continued until next term of court.

Mrs. Nan Pruett }  
vs. } Appealed J.P.

W.S. Green }

Came the parties who appeared before the Clerk of this court, and

directed a dismissal of this cause out of term time. Defendant agreeing to pay the costs. And it appearing to the court, that this is the first term since the appeal, it is ordered adjudged that the defendant W.S. Green and his sureties on his appeal bond to wit Lee Crowell and S. Crowell pay the costs accrued in this cause for which let execution issue.

#### GRAND JURY REPORT APRIL TERM 1921.

This day the Grand Jury came into open court in a body, and present the following indictments and presentments.

One against E.L. Chance Assault with intent to commit murder in the first degree which in indictment is in the words and figure following to wit:

April Term of Circuit Court, A.D. 1921.  
State of Tennessee, Humphreys County. The Grand Jurors for the State of Tennessee

elected, empaneled, sworn, and charged to inquire for the body of the County of Humphreys and State aforesaid, upon their oath aforesaid present that E.L. Chance of said County heretofore, to wit, on the 16th. day of April 1921 with force of arms, in the County aforesaid, unlawfully, feloniously, willfully, deliberately, premeditatedly, and maliciously, did make an assault upon the body of one Joe N. Lamastus with a certain pistol, with the unlawful and felonious intent, then and there, him the said Joe N. Lamastus unlawfully, feloniously, willfully, deliberately, premeditatedly and of his malice aforethought, to kill, and upon him to commit the crime and felony of murder in the first degree, against the peace and dignity of the State.

Jno. B. Bowman Attorney General.

Apr. Term 1921. THE STATE vs. E.L. Chance, Assault with intent to commit murder in the first degree. Joe N. Lamastus Prosecutor. Subpoena for the State Joe N. Lamastus,

Josh Howell, Bertha Howell, Mrs. S.E. Brigham. witnesses sworn by on this indictment before the Grand Jury Apr. Term 1921. D.D. Collier Foreman of the Grand Jury.

Jno. B. Bowman Attorney General. A TRUE BILL D.D. Collier Foreman Grand Jury.

One against Chas. Ham Trespass. which indictment is in the words and figures following to wit: State of Tennessee, Humphreys County. April Term of Circuit Court A.D. 1921, The Grand Jurors for the State of Tennessee, duly elected, empaneled, sworn, and charged to inquire for the body of the County of Humphreys and State aforesaid, upon their oath aforesaid, present that Chas Ham heretofore, to wit, on the 10th, day of January 1921, in said County and State, unlawfully trespass on the lands of J.H. Jones in the first Civil District of Humphreys County, Tenn. by cutting down and

destroying valuable timber thereon exceeding fifty ~~dollars~~ cents in value with a view to convert the same to his own use, contrary to the Statute and against the peace and dignity of the State. Jno. B. Bowman Attorney General

APRIL TERM 1921. THE STATE vs. Chas Ham, Trespass. J.H. Jones Prosecutor. Subpoena for the State J.H. Jones Ham Tubbs, R.F. Nelson, Thomas Agy Luther Lawson Wm. Thompson. witnesses sworn by me on this indictment before the Grand Jury, Apr. Term 1921.

D.D. Collier Foreman Grand Jury. Jno. B. Bowman Attorney General. A TRUE BILL.

D.D. Collier Foreman Grand Jury.

One against Will Rainey assault to commit rape, which indictment is in the words and figures following to wit: State of Tennessee Humphreys County. April Term of Circuit Court, A.D. 1921. The Grand Jurors for the State of Tennessee, duly elected empaneled, sworn, and charged to inquire for the body of the County of Humphreys, and State aforesaid, upon their oath aforesaid, present that Will Rainey, heretofore to wit: on the 8th day of April 1921, in said County and State, unlawfully and feloniously made an assault and battery upon the body of one Willie Clements, a female, and her the said Willie Clements, he the said Will Rainey, then and there did unlawfully beat bruise wound and ill treat, with the felonious intent, forcibly, and against her will to have unlawful carnal knowledge of her, the said Willie Clements, contrary to the statute and against the peace and dignity of the State. Jno. B. Bowman, Attorney General, Apr. Term 1921. THE STATE vs Will Rainey, assault to commit rape. W.J. Clements Prosecutor. Subpoena for the State W.J. Clements Willie Clements Minnie Clements, Annie Clements, Annie Forester, ----- Wm. Albert Wright, Bert ----- witness sworn by me on this indictment before the Grand Jury April Term 1921. D.D. Collier Foreman Grand Jury Jno. B. Bowman Attorney General. A TRUE BILL.

D.D. Collier, Foreman Grand Jury.

One against M.C. Carnell, Assault and battery, Eric Page Prosecutor. Subpoena for the State Eric Page Bob Taylor Porch Earnest Meadow, Jim Cooley, Gould Baugus.

One against Bryan Emery Disturbing worship, Subpoena for the State Grover Perry, K.D. Guinn, Allen Stephenson, W.C. Mack.

One against Pete Beasley Drunkenness. Subpoena for the State Jim Garrett, Tom Beasley.

One against Frank Plant Drunkenness, Subpoena for the State Jno. Phillips, W.B. Bryant J.P. Cowen.

One against Bryan Emery Disturbing worship, Subpoena for the State W.C. Mack, K.D. Guinn, W.A. Lomax, Grover Perry, Allen Stephenson.

One against Chas Work, Drunkenness, Subpoena for the State Budd Hall, Will McKnight, Walter Gatlin.

One against Will Capps, B.D. Subpoena for the State D.B. McCann, W.B. Bryant, Alvie Kallum, Walter Carnell, Buddie Spann, Dave Dewire.

One against Art Davis Drunkenness subpoena for the State Tom Simpson, Emmet Edmison Ethel Edmison, Frank Hall.

One against Alice Taylor col. Carrying a pistol subpoena for the State Les Ramsey, Redrick Riggins col, D. Wells, col.

One against Thomas D. Edmison, Emmet Lee Edmison Ethel Edmison, Frank Hall.

One against E.L. Chance Carrying a pistol, Subpoena for the State Jno. N. Lamastus Josh Howe, Bertha Howe Mrs. S.E. Brigham.

One against Wade Garrett Drunkenness. Subpoena for the State Grover Perry, Joe Bradley, Tom Watson, Thurman Phy.

One against Floyd Mix, Carrying a pistol Subpoena for the State J.P. Cowen, C.W. Cowen, W.B. Giersch Tom Gatlin, Jim Gatlin, T.R. Harris, P.F. Gould.

We, the members of the Grand Jury for the April term of the Circuit Court for Humphreys County, Tenn., beg leave to submit the following report to your Honor.

We have diligently inquired and true presentment made of all offenses given us in charge by your Honor or otherwise brought to our knowledge.

We have examined all bonds required to be examined by us and find them properly executed and good and solvent for the several amounts thereof.

We have examined the jail and find no prisoners confined therein but that the roof leaks and should be repaired and a flue used is dangerous and should be fixed. We also find that the water tanks leak as well as some of the pipes and should be repaired. We visited the County Poor House and find the inmates well treated by the keeper but find the general condition of the house bad. The roof leaks, the chimneys are in bad shape, the weather boarding is off of the house and the building in a general run down condition. A mattress is needed on one bed and additional covering should be provided. It would be cheaper for the county to tear the present building down rather than try to put it in decent condition but something should be done as the property abandoned, and we trust the proper parties will be required to correct the conditions pointed out in this report and now having completed our labors we respectfully asked to be discharged for the term.

This April 20th. 1921.

D.D. Collier Foreman, S.E. Bryant, P. Sheehy, W.H. Pullen, M.J. Wallace, J.M. Hatcher, W.T. Bird, W.T. Patterson, Alvin Corbett, D.M. Owens, W.D. Moore, R.N. O. Guinn, T.F. Merdith.

State of Tennessee ) Mis--  
vs. )  
J.P. Cowen )

In this case came the Attorney General for the State and the in person and plead guilty as charged, whereupon the court assess the penalty and say he shall pay a fine of five dollars together with all the costs.

Then came into open court the defendant and paid to the Clerk of this court all of said fine and costs. It is therefore ordered by the court that the defendant be and is hereby discharged.

State of Tennessee )  
vs. )  
Hiram Turberville )

In this case came the Attorney General for the State and it appearing to the court that the defendants was indicted at a former term of this court for the offense of drunkenness, and the said defendant was arrested and entered into bond with T.W. Townsend, and W.S. Miller as his sureties which bond is in the words, and figures following to wit: State of Tennessee, Humphreys County, We, Hiram Turberville agree to pay the State of Tennessee (\$250.00) Two Hundred

& Fifty Dollars, unless the said Hiram Turberville appear at the next term of the Circuit Court of Humphreys County, to be held at the Courthouse in the town of Waverly on the third Monday in April 1921 on Tuesday of said term, to answer the State of Tennessee for the offense of Public Drunkenness and do not depart the Court without leave.

Hiram Turberville Principal  
T.W. Townsend Surety  
W.S. Miller Surety.

Approved: W.B. Bryant Sheriff. This 18 day of April 1921.

And the defendant Hiram Turberville being solemnly called to come into open court and answer the state of Tennessee upon a charge of public drunkenness, came not but made default and the said T.W. Townsend, and W.S. Miller were also solemnly to come into court and bring with them the body of the said Hiram Turberville according to the tenor and effect of thier bond came not but made default neither came the defendant Hiram Turberville nor his said sureties but made default.

It is therefore considered by the court that the defendant Hiram Turberville and T.W. Townsend W.S. Miller for thier said default do forfeit and pay unto the state of Tennessee the said sum of Two Hundred and Fifty Dollars according to the tenor and effect of thier said bond.

And it is further ordered by the court that Sci.Fa. be issued to the said defendant and his said sureties requiring them to appear at the next term of this court and show cause if any they have why a final judgment should not be made final. And further that ALIAS CAPIAS issue for the defendant.

State of Tennessee )  
vs. ) Drunkenness  
Hiram Turberville )

In this case came the Attorney General upon the part of the State, and the defendant in person, and plead guilty as charged, whereupon the court assess the penalty, and say he shall pay a fine of five dollars together with all the costs, and in the event of his failure to pay or secure said fine and costs, he will be confined in the County Jail or work-house until he pay secure or work out all of said fine and costs.

Clark Pruett  
vs. ) Appeled J.P.  
Morgan Bros. )

Came the parties, who appeared before the Clerk of this court, and directed a dismissal of this cause out of term time. Defendant agreeing to pay the costs and it appearing to the court, that this is the first term since the appeal, it is ordered, adjudge that the defendants Morgan Bros. and thier surty on thier Appeal bond to wit: W.S. Reynolds pay the costs accrued in this cause for which let execution issue.



Minutes Circuit Court, Humphreys County, April Term, 20 day of April 1921

Luff Bowen &amp; Co.

vs.

Mrs. Nannie C. Teas et, al,

On application of the plaintiff this case is continued.

Mrs. Jane Smith )

vs. ) Appealed J.P.

Lam Johnson )

This day came the parties in person, and by attorneys, and also a jury of good and lawful men of Humphreys County to wit: G.L. Williams, Henry Williams, C.S. Bell, Billie OBarr, T.K. Simpson, Claud Laton, Stewart Strahle, W.W. Hickman, Tom Bryant, Henry Scurlock, W.S. Knight, and J.W. Daniel, who were duly sworn to try the issue joined between the parties, and who upon thier oath do say they find in favor of the plaintiff Mrs. Jane Smith.

It is therefore considered by the court, that the plaintiff is entitle to the possession of the property described in the replevin writ, and that he recover of the defendant Lam Johnson, the costs of this cause for which execution ~~will~~ issue.

Zack Goodwin )

vs. )

Manavell Goodwin )

In Circuit Court of Humphreys County, Tennessee.

This cause was heard to day on motion of the Plaintiff for an order Pro-confesso against the defendant, it appearing to the Court that proper service of this suit has been made against the Defendant, a nonresident by publication according to law and the said Manavell Goodwin having failed to appear and defend the suit as required by law, the petitioner is therefore taken in all things for confessed and the case set for hearing ex parte.

The Court then heard the case upon the Petition and testimony of two disinterested witnesses, where it appeared from the facts ~~that~~ that the Defendant had wilfully absented herself from the plaintiff for more than two whole years next prior to the filing of the petition in this case and that the plaintiff is entitled to an absolute divorce.

Therefore be it ordered and decreed that the bonds of matrimony now subsisting between the plaintiff and Defendant be and the same are hereby dissolved and for nothing held. The Petitioner is restored to all the rights of a single man and the cost of this case are adjudged against him, for which execution will issue.

Court then adjourned until Saturday April 23rd. 1921.

W.A. Com  
Judge.

Minutes Circuit Court, Humphreys County, April Term, 23 day of April 1921

Court met pursuant to adjournment,

A.J. Parker

vs.

N.C. &amp; St. L. Railway.

) IN THE CIRCUIT COURT OF HUMPHREYS COUNTY TENNESSEE.

)

)

IN RE: Settlement of Rolia May Curtis Parker, widow, with The Nashville, Chattanooga & St. Louis Railway.

This cause came on to be heard upon motion of The Nashville, Chattanooga & St. Louis an employer, and Rolia May Curtis Parker, widow of an employe, to have the settlement agreed upon between said parties, in conformity with the Workmen's Compensation Law of Tennessee, approved by this Court.

And it appearing to the Court that A.J. Parker, husband of Rolia May Curtis Parker was killed on the 27th. day of November, 1920, the injuries being as follows; The said A.J. Parker was killed by an accident due to the overturning of a dirt car, and it farther appearing to the Court that the doctor and funeral bills have been paid by the said Railway, and it appearing to the Court that the agreement of the parties is in words and figures following;

"IN RE:

Nashville, Chattanooga & St. Louis Railway, Employer  
and Rolia May Curtis Parker, Widow of A.J. Parker, dec'd.

This agreement, made and entered into this 12th. day of January, 1921 by and between The N.C. & St. L. Railway, and Rolia May Curtis Parker, that for and consideration of the sum of forty-four hundred dollars and no cents (\$4400.00) to the said Rolia May Curtis Parker paid by the said The N.C. & St. L. Railway, making in all, with weekly payments already recieved by the said Rolia May Curtis Parker, the total sum of forty-four hundred dollars and no cents (\$4400.00) in full settlement of compensation under the workmen's compensation Act' of Tennessee, on account of death of A.J. Parker, to wit; death by accident resulting to A.J. Parker on or about the 27th. day of November 1920, while in the employ of THE N.C. & St. L. Railway, Nashville, Tennessee, Said compensation dating from November 27th. 1920 for a period of 400 weeks and being in amount \$4400.00. And it is agreed and understood that all claims for compensation for the before mentioned death under the 'Workmen's Compensation Act. of Tennessee are this day paid in full, and final settlement is herewith acknowledged. This agreement being subject to review and approval of the judge of the Circuit Court of the County where the claim for compensation under this Act is entitled to be made.

" It is herewith stated as an essential part of this agreement that its terms and provisions are in full accord with Sections 7, 20 and 35 of the Workmen's Compensation Act. of Tennessee ( and in case a trustee, Section 39 of said Act.)

" Witness our hands this 12th day of January, 1921)

Nashville, Chattanooga &amp; St. Louis Railway,

Signature of Employer

Rolia May Curtis Parker  
Signature of Dependent.

1000 Broadway

Street and Number

Nashville, Tennessee

City or town

Rolia May Curtis Parker

Street and number.

Johnsonville, Tenn.,

City or town.

And it not being certain whether the said decedent was engaged in interstate or intrastate commerce, and it being the desire of the parties to settle for the sum of \$4400.00 in either event, the following receipt was executed by said widow and J.E. Parker, Administrator of A.J. Parker, deceased;

Whereas A.J. Parker, an employe of The Nashville Chattanooga & St. Louis Railway, was killed in an accident at Hollow Rock Junction on the 27th. day of November, 1920, while in the employ of the Railway, leaving surviving him his widow, Rolia May Curtis Parker, but no children, the said widow being his sole distributee, and

" Whereas J.E. Parker has qualified as administrator of the said A.J. Parker, and " Whereas the said widow and administrator are of opinion that the time of the accident the said A.J. Parker was not engaged in interstate commerce, but for the purposes of this settlement it is not necessary to accurately determine this question, and

" Whereas it is calimed by the widow and administrator that the Railway is liable for the death of said Parker, and all the parties hereto have agreed upon a compromise and settlement of all claims against the Railway arising out of and for said injury and death.

" Now, therefore, in consideration of the sum of forty four hundred (\$4400.00) dollars, cash in hand paid, the receipt of which is hereby acknowledged, we the administrator and widow, hereby acquit, release and discharge. The Nashville, Chattanooga & St. Louis Railway, its officers and agents, of any and all liability for any damages by reason of said accident, injury and death, and as said widow and administrator we hereby acknowledge of the said Railway full satisfaction and discharge of any and all liability therefor.

" It is distinctly understood and agreed by us that the sole and only consideration inducing us to the execution of this release is the payment to us of the sum of money mentioned above.

" The effect of this instrument is fully understood by us and we sign it of our own free will and accord.

" Witness our hands in duplicate, this the 12th. day of January, 1921.

Witness:

A.F. McConnell

J.W. Floyd

Rolia May Curtis Parker  
Widow of A.J. Parker, deceased.

J.E. Parker  
Administrator of the estate of  
A.J. Parker, deceased

And the compensation to be paid is in accordance with the provision of the said Workmen's Compensation Law, and by agreements as above set out, it is therefore, considered by the Court that said agreements be, and the same hereby are approved, The Nashville, Chattanooga & St. Louis Railway to pay the costs.

The Court has further given consideration to claimant's request that settlement in one lump sum be authorized, and it appearin to the Court that this is proper ~~taxemutext~~ and desirable under the circumstances, authority is hereby is hereby given to commute compensation claimant is entitle to into one lump sum, and the agreement of the parties to that effect, heretofore set out, is hereby expressly approved,

Approved for entry.

W.L. Cook

Judge Circuit Court, Humphreys County.

Approved

Rolia May Curtis Parker (Claimant)

Fuqua & Carter (Attorneys for Railway)

IN THE CIRCUIT COURT OF HUMPHREYS COUNTY, TENNESSEE.

IN RE: Settlement of Rolia May Curtis Parker, widow, with The Nashville, Chattanooga and St. Louis Railway.

This cause came on to be heard upon motion of The Nashville, Chattanooga & St. Louis Railway, an employer, and Rolia May Curtis Parker, widow of an employe, to have the settlement agreed upon between said parties, in conformity with the Workmen's Compensation Law of Tennessee, approved by this Court.

And it appearing to the Court that A.J. Parker, husband of Rolia May Curtis Parker, was killed on the 27th. day of November, 1920, the injuries being as follows: The said A.J. Parker was killed by an accident due to the overturning of a dirt car, and it further appearing to the Court that the doctor and funeral bills have been paid by the said Railway, and it appearing to the Court that the agreement of the parties is in words and figures as follows.

" IN RE;

Nashville, Chattanooga & St. Louis Railway, Employer, and Rolia May Curtis Parker, widow of A.J. Parker, Dec'd.

" This Agreement, made and entered into this 12th day of January, 1921 by and between The N.C. & St. L. Railway, and Rolia May Curtis Parker, that for and in consideration of the sum of forty four hundred dollars and no cents (\$4400.00) to the said Rolia May Curtis Parker paid by the said The N.C. & St. L. Railway, making in all, with weekly payments already received by the said Rolia May Curtis Parker, the total sum of forty-four hundred dollars and no cents (\$4400.00) in full settlement of compensation under the " Workmen's Compensation Act" of Tennessee, on account of death of A.J. Parker, to wit; death by accident resulting to A.J. Parker on or about the 27th. day of November, 1920, while in the employ of The N.C. & St. L. Railway, Nashville Tennessee. Said compensation dating from November 27th. 1920 for a period of 400 weeks and being in amount \$4400.00 And it is agreed and understood that all claims for compensation for the before mentioned death under the " Workmen's Act" of Tennessee are this day paid in full, and final settlement is herewith acknowledged. This agreement being subject to review and approval of the Judge of the Circuit Court of the County where the claim for compensation under this Act is entitled to be made.

It is herewith stated as an essential part of this Agreement that its terms and provisions are in full accord with Sections 7, 27 and 35 of the " Workmen's Compensation Act. of Tennessee ( and in case of a trustee, Section 39 of said Act.).

" Witness our hands this 12th day of January, 1921.

Nashville, Chattanooga & St. Louis Railway,  
Signature of employer

Rolia May Curtis Parker.

Signature of agent

1000 Broadway  
Street Number  
Nashville, Tennessee  
City or town

Rolia May Curtis Parker  
Street and number  
Johnsonville, Tenn.,  
City or town

And it not being certain whether the said decedent was engaged in interstate commerce or intrastate commerce, and it being the desire of the parties to settle for the sum of \$4400.00 in either, event, the following receipt was executed by said widow and J.E. Parker, Administrator of A.J. Parker, deceased;

Minutes Circuit Court, Humphreys County, April Term, 23 day of April 1921

" Whereas A.J. Parker, an employe of The Nashville, Chattanooga & St. Louis Railway, was killed in an accident at Hollow Rock Junction on the 27th. day of November, 1920 while in the employ of the Railway, leaving surviving him his widow, Rolia May Curtis Parker, but no children, the said widow beinh is sole distributee, and

" Whereas J.E. Parker has qualified as administrator of the said A.J. Parker, and

" Whereas the said widow and administrator are of opinion that at the time of the acci dent the said A.J. Parker, was not engaged in interstate commerce, but for the purposes of this settlement it is not necessary to accurately determine this question, and

" Whereas it is claimed by the undersigned widow and administrator that the Railway is liable for the death of said Parker, and all parties hereto have agreed up on a compromise and settlement of all claims against the Railway arising out of and for said injury and death.

" Now, therefore, in consideration of the sum of forty four hundred (\$4400.00) dollars, cash in hand paid, the receipt of which is hereby acknowledged, we, the administrator and widow, hereby acquit, release and discharge, The Nashville, Chattanooga & St. Louis Railway, its officers and agents, of any and all liability for any damages by reason of said accident, injury and death, and as said widow and administrator we do hereby acknowledge of the said Railway full satisfaction and discharge of any and all liability therefor.

" It is distinctly understood and agreed by us that the sole and only consideration inducing us to the execution of this release is the payment to us of the sum of money mentioned above.

" The effect of this instrument is fully understood by us and we sign it of our own free will and accord.

" Witness our hands in duplicate, this the 12th. day of January, 1921.

Witness: Rolia May Curtis Parker  
Widow of A.J. Parker, deceased.

A.F. McConnell J.E. Parker

J.W. Floyd Administrator of the estate of  
A.J. Parker deceased.

And the compensation to be paid is in accordance with the provisions of the said Work's Compensation Law, and by agreements as above set out, it is, therefore, considered by the Court that said agreements be, and the same is hereby approved, The Nashville, Chattanooga & St. Louis Railway to pay the costs.

The Court has further given consideration to claimant's request that settlement in one lump sum be authorized, and it appearing to the Court that this is proper and desirable under the circumstances, authority is hereby given to commute compensation claimant is entitled to into one lump sum, and the agreement of the parties to that effect, hereto set out, is hereby expressly approved.

Approved for entry

W.L. Cook  
Judge Circuit Court, Humphreys  
County.

Approved

Rolia May Curtis Parker (Claimant)  
Fuqua & Carter Attorneys for Railway

Minutes Circuit Court, Humphreys County, April Term, 23 day of April 1921

A.W. Lucas )  
vs. ) In Circuit Court of Humphreys County.  
Thomas A. Horton et, al. )

In this cause the Attorney for the plaintiff moved the Court for a C counterpart Summons to issue to the Sheriff of Carroll County to be served upon W.H. Roberts of the firm of Roberts Bros. and A.W. Crews and R.L. Bennett, who are sureties on the official bond of the defendant, Thomas A. Horton that the original summons in this case was not issued to the Sheriff of Humphreys County on January 21, 1921 and served upon the Defendants, J.I. Roberts and Thomas Horton, as shown by the return thereon, showing such service on January 21, 1921.

It is therefore ordered, adjudged and decreed that a counterpart summons issue to the Sheriff of Carroll County to be served on said W.H. Roberts, A.W. Crews and R.L. Bennett and on application the plaintiff is given thirty days from adjournment of this Court in which to file his declaration. It is so ordered adjudged, and decreed.

Court then adjourned until Saturday April 30 1921.

-----  
Judge.

Court met pursuant to adjournment, present and presiding the Hon. W. L. Cook, Judge etc.

Mrs. Nannie C. Teas et, al )  
vs. ) Damage.  
Luff-Bowen co, et, al, )

This suit was heard on this the 30th. day of April, 1921, before the Honorable W.L. Cook, Judge, of the court, upon the motion of the plaintiff to amend the original summons, and the counterpart summons sued out herein by striking out thereof the following language, to wit: in an action to their damage fifteen thousand dollars for negligent installation of a furnace whereby their residence and its contents were intirely destroyed by fire," and by inserting therein in lieu of said language so stricken out the following words and figures, to wit: " in an action to their damage fifty thousand dollars (\$50,000.00)" and to amend the counterpart summons sued out herein by striking out thereof the following words and figures, to wit: " in an action to their damage fifteen thousand (\$15,000.00) dollars, for negligent installation of a furnace whereby their residence with its contents were entirely destroyed by fire" and by inserting in said counterpart summons in lieu of the words and figures so stricken out the words and figures as follows, to wit: " in an action to their damage fifty thousand dollars (\$50,000.00) " and upon the motion of the Plaintiffs, Mrs. Nannie C. Teas, J.C. Harris and Mrs. Katherine Porch for leave to amend the original declaration heretofore filed herein by filing an amendment thereto containing two additional counts designated as follows, to wit third and fourth count and upon the motion of Mrs. Nannie Teas for leave to amend the original declaration heretofore filed herein by filing an amendment thereto containing two additional counts designated as follows, to wit: fifth and sixth counts; and upon motion of the plaintiff J.C. Harris, for leave to amend the original declaration heretofore filed by filing an amendments thereto containing two additional counts designated as follows, to wit: seventh and eighth count. and upon the motion of the plaintiff, Mrs. Katherine Porch

for leave to amend the original declaration heretofore filed herein by filing an amendment thereto containing four additional counts designated as follows, to wit: ninth count, tenth count, eleventh and twelfth count; whereupon, after argument of counsel and due consideration, the court is of the opinion that the motion of the plaintiffs to amend the original summons and the counter part summons sued out herein in the particulars above specified, and the motion of the plaintiffs, Mrs. Nannie C. Teas, J.C. Harris, and Mrs. Katherine Porch, to amend the original declaration heretofore filed herein by filing an amendment thereto containing two additional counts designated as follows, to wit: third count and fourth count, should be granted, and it is therefore ordered, adjudged and considered by the court that the motion of the plaintiffs to amend the original summons and the counterpart summons sued out herein in the particulars above specified, and the motion of the plaintiffs, Mrs. Nannie C. Teas, J.C. Harris, and Mrs. Katherine Porch, to amend the original declaration heretofore filed herein by filing an amendment thereto containing two additional counts as to the loss and destruction of the residence described in said counts, which counts are designated as follows to wit: third count and fourth count, be, and said motions are hereby allowed and the clerk of this court is hereby directed to note the filing of said counts.

The court is of the opinion that the motion of the plaintiff Mrs. Nannie C. Teas, to amend the original declaration ~~heretofore~~ heretofore filed herein by filing an amendment thereto containing two additional counts as to the loss and destruction of certain <sup>personal</sup> property belonging to her, described in said counts, which counts are designated as follows to wit: fifth count and sixth count, should be disallowed, which counts are in the words and figures following, to wit:

## FIFTH COUNT

"The plaintiff, Mrs. Nannie C. Teas, sues the defendants for fifteen thousand dollars (\$15,000.00) damages for the destruction and loss of her personal effects and personal property, and for cause of action avers, that the residence of the plaintiff was destroyed by said fire communicated to said residence by the heat, and fire from said furnace and the flames therefrom, on the fifth day of January, ~~xxxxx~~ 1920, which furnace was sold and delivered to the plaintiff by defendants, and installed by them in said residence, as averred in the third count of this declaration, and under the circumstances therein averred, and all the averments contained in said count as to the sale and delivery of said furnace by defendants to the plaintiff, and the installation of said furnace in said residence by the defendants, and the burning and destruction of said residence, by fire, are hereby adopted as parts of this count, and made parts, to which count of this declaration reference is hereby made for the averments therein contained, and the plaintiff avers that said fire which was communicated to said residence by said furnace, and which burned, destroyed and consumed said residence, also burned, destroyed and consumed certain personal property and effects belonging to the plaintiff, to wit:

Steinway piano,	5 lamps
Piano bench,	3 hand bags
Shettnusic,	Matting
Davenport,	Parasols carpet
Mirrors,	Settee
Victrola,	Porch furniture,
Records,	Foot mats,
Mahogany bookcases,	well bucket and rope,
Books,	Tubs,
Pedestal	Step ladder,
Telephone stand,	Ice box,
Invalid chair	Mops and brooms,

Dictionary stand,	Light bulbs
2 umbrellas,	Gold thimble,
2 oak bedroom suits,	2 washstand sets,
writing desk,	Druggets,
2 clocks,	Burns,
Jewelry,	Aprons,
Electric curlers,	Gowns,
Wax sideboard,	Petticoats,
Vacuum cleaner,	Shirts,
Sewing machine and contents,	Camisoles,
Electric vibrator,	Nehligee,
Cut glass,	Table clothes,
Silver ware,	Handkerchiefs,
China dishes,	Towels,
Light shades,	Linon scarfs,
Groceries, and provisions,	Counterpanes,
Refrigerator,	Pillow slips,
Electric iron	Quilts,
Irons,	Centerpieces,
Cooking utensils	Toilet articles
Clothes hamper,	Pictures (oil paintings
Brass kettle	water colors, etching
Iron bed	etc)
2 washstands	Chairs,
2 trunks and contents,	Vases,
2 coat suits,	Tables,
Coat,	Stoves,
Hats,	Blankets,
Handkerchiefs,	Window shades
Gloves,	Window curtains,
Collars,	Mattresses,
Spectacles,	Springs
Burns,	Pillows,
Search light,	Dresses,
Cabinet with three mirrors,	Stockings
Wardrobe	Shoes,
Chest,	Underwear.

and all other articles of wearing apparel and paraphernalia, and all other articles of personal property and personal effects belonging to the plaintiff were located in said residence at the time said fire burned destroyed and consumed said residence in the manner, and as averred in the third count of this declaration, all of which articles of personal property and personal effects belonging to the plaintiff were of the value of fifteen thousand dollars (\$15,000.00), wherefore, by reasons of the premises aforesaid and the negligence of the defendants, and the careless, improper and defective installation of said furnace in said residence, all the articles of personal property and personal effects belonging to the plaintiff, which were contained in said residence at the time of the said fire, were totally burned, destroyed and consumed in said fire, and wholly lost to the plaintiff, without any fault, or negligence, on her part to her damage, as aforesaid. Therefore, the plaintiff, Mrs. Nannie C. Teas, sues the defendants for damages for the destruction and loss of her personal effects and personal property as aforesaid, and demand a jury to try the issue involved in this suit.

J.F. Shannen,  
J.E. Tubb  
M.H. Moeks  
Samuel N. Harwood,  
Attorneys for the plaintiff"

## "SIXTH COUNT.

The plaintiff, Mrs. Nannie C. Teas, sues the defendants for fifteen thousand dollars (\$15,000.00) damages for the destruction and loss of her personal effects and personal property, and, for cause of action, avers, that the residence of the plaintiff was destroyed by said fire communicated to said residence by the heat and fire from said furnace, and the flames therefrom, on the 5th. day of January, which furnace was sold and delivered to the plaintiff by defendants, and installed in said residence by them, as averred in the fourth count of this declaration, and under the circumstances therein stated and all the averments contained in said count as to the sale and delivery of said furnace by defendants to the plaintiff, and as to the installation of said furnace in said residence by the defendants, and the burning and destruction of said residence, by fire are hereby adopted as a part of this count, and made a part hereof, and the



Plaintiff avers that said fire which was communicated to said residence by said furnace and which burned, destroyed and consumed said residence, also burned, destroyed and consumed certain personal property and effects belonging to the plaintiff, described in the fifth count of this declaration, which description of said property is hereby adopted as a part of this count, to which count reference is hereby made for the description of said property; all of which articles of personal property and personal effects belonging to the plaintiff were located in said residence at the time said fire burned, destroyed and consumed said residence in the manner, and as avered in the third count of this declaration, all of which articles of personal property and personal effects belonging to the plaintiff were of the value of fifteen thousand dollars (\$15,000.00); wherefore, by reason of the premises aforesaid, and the said negligence of the defendants, and the careless, improper and defective installation of said furnace in said residence, all the articles of personal property and personal effects belonging to the plaintiff, which were contained in said residence at the time of said fire, were totally burned, destroyed and consumed in said fire, and wholly lost to the plaintiff, without any fault, or negligence, on her part, to her damage as aforesaid.

Wherefore, the plaintiff, Mrs. Nannie C. Teas, sued the defendants for damages and loss of her personal effects and personal property, as aforesaid, and demands a jury to try the issues involved in this suit.

J.F. Shannon,  
J.E. Tubb,  
M.H. Meeks,  
Samuel N. Harwood.

Attorneys for the plaintiff.

It is, therefore, ordered, adjudged and considered by the the court that the motion of the plaintiff, Mrs. Nannie C. Teas, to amend the original declaration heretofore filed herein by filing an amendment thereto containing said counts designated as follows, to wit fifth count and sixth count, be and is hereby disallowed.

To which action of the court in disallowing her motion to amend the original declaration heretofore filed herein, by filing said amendment thereto containing said counts designated as fifth count and sixth count, above set forth, the plaintiff, Mrs. Nannie C. Teas, here and now duly excepts.

The court was of the opinion that the motion of the plaintiff, J.C. Harris, to amend the original declaration heretofore filed herein by filing an amendments thereto contained two additional counts, as to the loss and destruction of personal property belonging to him, described in said counts, which counts are designated as follows, to wit: seventh count and eighth count, should be disallowed, which counts are in the words and figures following, to wit:

#### SEVENTH COUNT

The plaintiff, J.C. Harris sues the defendants for two thousand dollars (\$2,000.00) damages for the destruction and loss of his personal effects and personal property, and, for cause of action, avers, that the residence of the plaintiff, his mother and sister, was destroyed by said fire which was communicated to said residence by the heat and fire from said furnace,

and the flames therefrom, on the 5th. day of January 1920, which furnace was sold and delivered to the plaintiff's mother by defendants, and installed in said residence by them,, as avered in the third count of this declaration, and under the circumstances therein avered, and all the averments contained in said count as to the sale and delivery of said furnace by defendants to the mother of the plaintiff, as to the installation of said furnace in said residence by the defendants, and the burning and destruction of said residence by fire, are hereby adopted as parts of this count of this declaration to which count reference is hereby made for the averments therein contained, and the plaintiff avers that said fire which communicated to said residence by said furnace and which burned, destroyed and consumed said residence, also burned destroyed and consumed certain personal property and effects belonging to the plaintiff, to wit:

Books,	Basketball equipment,
Razors,	Sweater,
Socks,	Trunk,
Underwear,	Suovensirs,
Hats and caps,	Shirts,
Handkerchiefs,	Overcoats,
Collars,	Gloves,
Neckties,	Shoes,
Guns,	Laundry bag,
Tennis set,	Suit case,
Suits four civilian,	Extra clothing
Uniform, one army,	Two flashlights
Jewelry	

and other articles of wearing apparel and other articles of personal property and personal effects belonging to the plaintiff, all of which articles of personal property and personal effects belonging to the plaintiff were located in said residence at the time said fire burned, destroyed and consumed said residence in the manner and as avered in the third count of this declaration, all of which articles of personal property and personal effects belonging to the plaintiff were of the value of two thousand dollars (\$2,000.00); wherefore by reason of the premises aforesaid, and the said negligence of the defendants, and the carelessness, improper and defective installation of said furnace in said residence, all the articles of personal property and personal effects belonging to the plaintiff, which were contained in said residence at the time of the said fire were totally burned, destroyed and consumed in said fire, and wholly lost to the plaintiff, without any fault, or negligence, on his part, to his damage as aforesaid.

Wherefore, the plaintiff, J.C. Harris, sues the defendants for damages for the destruction and loss of his personal effects and personal property, as aforesaid, and demands a jury to try the issues involved in this suit.

J.F. Shannon,  
J.E. Tubb,  
M.H. Meeks,  
Samuel N. Harwood,  
Attorneys for the plaintiff."

#### EIGHTH. COUNT

The plaintiff, J.C. Harris, sues the defendants for two thousand dollars (\$2,000.00) damages for the destruction and loss of his personal effects and personal property, and for cause of action avers, that the residence of the plaintiff, his mother and sister was destroyed by fire communicated to said residence, and the flames therefrom, on the 5th, day of January, 1920, which furnace was sold and delivered to the mother of the plaintiff by defendants, and installed in said residence by them, as avered in the fourth count of this declaration, and under the circumstances therein avered, and all the averments contained in said count as to the sale and delivery of said furnace by defendants to the mother of the plaintiff, and the installation of said

in said residence by the defendants, and the burning and destruction of said residence by fire, are hereby adopted as parts hereof; and the plaintiff avers that said fire which was communicated to said residence by said furnace, and which burned and destroyed said residence, also burned, destroyed and consumed certain personal property and effects belonging to the plaintiff, described in the seventh count of the declaration, which description of said property is hereby adopted as a part of this count, to which count reference is hereby made for the description of said property, all of which articles of personal property and personal effects belonging to the plaintiff were located in said residence at the time said fire burned, destroyed and consumed said residence in the manner, and as averred in the fourth count of this declaration, to which count of this declaration reference is hereby made for the averments therein contained as to the destruction of said residence, all of which articles of personal property and personal effects belonging to the plaintiff were of the value of two thousand dollars (\$2,000.00); wherefore, by reason of the premises aforesaid, and the negligence of the defendants, and the careless, improper and defective installation of said furnace in said residence, and the articles of personal property and personal effects belonging to the plaintiff, which were contained in said residence at the time of said fire, were totally burned, destroyed and consumed in said fire, and wholly lost to the plaintiff, without any fault, or negligence, on his part, to his damage, as aforesaid.

Wherefore, the plaintiff, J.C. Harris, sues the defendants for damages for the destruction and loss of his personal effects and personal property, as aforesaid, and demands a jury to try the issues involved in this suit.

J.F. Shannon,  
J.E. Tubb,  
M.H. Meeks,  
Samuel N. Harwood,  
Attorneys, for the plaintiff.

It is, therefore, ordered, adjudged and considered by the ~~the~~ court that the motion of the plaintiff, J.C. Harris, to amend the original ~~declaration~~ declaration heretofore filed herein by filing and amendment thereto containing said counts designated as follows, to wit: seventh count and eighth count, be and is hereby disallowed.

To which of the court in disallowing his motion to amend the original declaration heretofore filed herein by filing said amendment thereto containing said counts designated as seventh count and eighth count, the plaintiff, J.C. Harris, here and now duly excepts,

The court was of the opinion that the motion of the plaintiff, Mrs. Katherine Parch, to amend the original declaration heretofore filed herein by filing an amendment thereto containing two additional counts, as to the personal injuries sustained by her, as set forth ~~in~~ in said counts, which counts are designated as follows, to wit: ninth count and tenth count, should be disallowed, which counts are in the words and figures following, to wit:

...NINTH-COUNT.

The plaintiff, Mrs. Katherine Parch, sues the defendants, the Beckwith Company, a foreign corporation, claiming existence under the laws of the State of Michigan, and E.P. Luff, and J.S. Bowen, doing business under the firm name of the Luff Bowen Company, in Waverly, Humphreys County, Tennessee, for fifteen thousand dollars (\$15,000.00) as damages for personal injuries sustained by her, and, for cause of action,

avers, that on, and prior to, the 5th. day of January, 1920, she owned an undivided one-half reversionary interest in certain real estate in the town of Waverly, Humphreys County, Tennessee, situated on the North side of West Main Street, in said town, and bounded on the South by said street, on the West by the Manse lot of the Presbyterian Church; on the North by a lot owned by Thomas Black, and on the West by lot owned by J.S. Rainey, upon which lot, in which plaintiff owned an undivided one-half reversionary interest, there was located a large and commodious two story frame residence, which residence, on the aforesaid date, was used and occupied by the plaintiff, who was ~~unmar~~ unmarried, as a home and residence of the plaintiff, who resided therein with her mother and brother as their home, and place of residence and abode.

The plaintiff avers, that on, or about, the 10th. day of November, 1919, the defendants, E.P. Luff and J.S. Bowen, doing business under the firm name of the Luff-Bowen Company in the town of Waverly, Humphreys County, Tennessee, were dealers in the Beckwith pipeless furnace, known as the "Round oak", which was manufactured by the defendants, the Beckwith Company, and on the aforesaid date, to wit, on, or about, the 10th. day of November, 1919, the defendants, E.P. Luff and J.S. Bowen, doing business under the firm name of the Luff-Bowen Company, who were actively and directly aided and assisted by the defendants, the Beckwith Company, sold and delivered to the mother of the plaintiff, Mrs. Nannie C. Teas, a pipeless furnace, known as the Round oak, which was manufactured by the defendants, the Beckwith Company, to be used for heating the said residence of the plaintiff, her mother, and brother, which residence, was occupied as a home by the plaintiff with her mother and brother.

The plaintiff avers, that the defendant, the Beckwith Company, superintended and directed the installation of said furnace in said residence; which furnace the defendant agreed and contracted with the mother of the plaintiff to sell and deliver to her, and they agreed and contracted with her to install said furnace in said residence in a proper and workmanlike manner for the sum of four hundred and fifty dollars (\$450.00), and the defendants, E.P. Luff and J.S. Bowen, then and there, made a description of the building in which said furnace was to be installed, and made measurements of said residence, and the portions thereof where said furnace was to be installed, and made calculation based on said measurements for the installation of said furnace, and the defendants, E.P. Luff and J.S. Bowen, sent the description of said building, and the measurements for the installation of said furnace, to the defendant, the Beckwith Company, the manufacturer of said furnace, and the defendant, the Beckwith Company, had a blue-print and specifications ~~prepared~~ prepared for the installation of said furnace in the said residence of the plaintiff and her mother and brother; and, by reason of the sale and delivery of said furnace to the mother of the plaintiff, and the installation of said furnace in said residence, it became the duty of the defendants to exercise reasonable and ordinary care, considering the danger, and the probability of said furnace, when carelessly, negligently, improperly and defectively installed, setting said residence on fire, and burning, destroying and consuming it, and thereby injuring and maiming the plaintiff in body and limb, and disfiguring her for life, and the probability of thereby inflicting serious, painful and permanent injuries upon her, to see that said furnace was carefully, properly and skillfully installed in said residence, so as to prevent said furnace from setting said residence on fire, and to prevent the destruction of said residence thereby, and

to prevent the infliction of such personal injuries upon the plaintiff; The plaintiff avers, that notwithstanding the aforesaid duty of the defendants, they thereafter, to wit: on the 22nd. day of December, 1919, carelessly, negligently, improperly and defectively installed said furnace in the residence of the plaintiff and her mother, and brother, and were guilty of gross negligence in the installation of said furnace in said residence, as hereinafter specifically shown; the plaintiff avers that said furnace, in the use thereof, when carelessly, negligently, improperly and defectively installed, was highly, inherently and imminently dangerous to human life, and to body and limb, and to property, that is, to places of habitation, in that said furnace is a pipeless furnace, and is installed in the basement of the building, and is manufactured by the defendant, the Beckwith Company, with the combustion chamber located immediately above the fire in said furnace, and with the radiator located immediately above the combustion chamber in said furnace, and the radiator so located in said furnace received the heat as it is drawn from the fire pot in said furnace and retains and holds the heat therein from the chimney, and the radiator in said furnace is located immediately under the register, which is installed in the building and it is sought to heat the entire building from the register, which is located and installed immediately over the radiator in said furnace, and the plaintiff, avers that said furnace, in the proper use thereof by the plaintiff, her mother and brother, was capable of producing, and produced, intense heat, in great volumes thereof, and the heat produced by the fire in said furnace was capable of rendering said furnace, and the fire pot, the combustion chamber, the radiator, the register, and all other parts of said furnace, intensely hot, and said furnace was capable of producing, and produced, intense heat and flames therein, and the heat, the fire, and the flames of fire produced in said furnace, which was carelessly, negligently, improperly and defectively installed in said residence, were capable of being communicated from said furnace to said residence, and of burning and consuming the plaintiff in body and limb and destroying her life, in the heat and flames of fire produced by said furnace and communicated to said residence.

The plaintiff avers, that the defendants did not install said furnace in said residence in a proper and workmanlike manner, but they carelessly, negligently, improperly, and defectively installed said furnace in said residence, and were guilty of gross negligence in the installation of said furnace in said residence, in that said furnace is a pipeless furnace, and is installed in the basement of a building, and the defendants, in the installation of said furnace in said residence, adopted the wall register plan for heating said building, and they installed said furnace in said residence with what is called a wall register, which was dangerous to said residence in the proper use of said furnace, and they made an excavation under the building for the furnace to be located immediately under the wall of the building, which was a wood wall, and the portion of said wall from the bottom up was about----- inches long, and-----inches wide, and was cut out, so that the heat produced by said furnace could be conveyed into the building above through the register in each side of the vacant space extending from the floor lines to the wall above the vacant space, and the defendants carelessly, and negligently failed to remove a sufficient portion of the wall of said building to make room for the register, and the portions of the furnace extending above the floor of said residence, and into the cut out space of the wall, and they thereby

carelessly, negligently, improperly and defectively installed the parts of said furnace, which were capable of being rendered, and were rendered intensely hot, too close to said wall immediately under which said furnace was installed, and the defendants, in installing, said furnace, carelessly, negligently, improperly and defectively connected said furnace, and certain parts thereof, with said residence, and with the wall and floor thereof, and they thereby carelessly, negligently, improperly and defectively installed said furnace so that the heat, and flames of fire produced therein and thereby could be communicated from said furnace to the wall and floor of said residence and to the parts of said residence connected therewith, and they negligently, improperly and defectively installed said furnace in said residence so that the heat from the metallic parts of said furnace next to the wall and floor of said residence, and the fire from said furnace, and the flames produced thereby would set said residence on fire, and the defendants were, in all the particulars aforesaid, guilty of gross negligence in the installation of said furnace in said residence.

The plaintiff further avers that the defendants carelessly, negligently, improperly and defectively installed said furnace in said residence, and were thereby guilty of gross negligence in the installation of said furnace in said residence in that they failed to protect the floor, the wall, and the other parts of said residence, with which said furnace was connected, from the heat of the fire pot, the combustion chamber and the radiator, and the metallic parts of said furnace, which were installed underneath the floor, the wall and the other parts of said residence, and the register, and the different parts of the furnace above the floor, and in the cut out space in said wall in said residence, by a suitable wall constructed of brick, concrete, plaster, or other suitable substance, or material, or by putting suitable layers of asbestos of adequate thickness, or other suitable substance, or material, with sufficient dead air space between the same and between the parts of said furnace and said parts of said residence, or by leaving a sufficient dead air space between the parts of said furnace and the parts of said residence connected therewith.

The plaintiff further avers that the defendants carelessly, negligently, improperly and defectively installed said furnace in said residence, and were thereby guilty of gross negligence in the installation of said furnace in said residence, in that they installed said furnace in said residence with the fire pot, the combustion chamber, the radiator, and the metallic parts of said furnace, which were capable of being rendered, and were intensely hot, too close to the wall and floor of said building, and too close to the top of the vacant space in the wall and floor, and too close to the register on either side of the vacant space, and failed to provide adequate and sufficient means of protection of said residence against the intense heat of the furnace next to the wall and floor of said residence, and against the flames of fire produced by said furnace, and said furnace, as installed, was dangerous for use in said residence, for which purpose it was sold by defendants to the plaintiff's mother, and was installed by the defendants in said residence, as aforesaid, and the plaintiff avers that said furnace was sold, delivered and installed in said residence by defendants, as aforesaid, without any opportunity being afforded her by defendants to know, and she did not know, the danger arising from the use of said furnace in said residence, but the danger arising from the use of said furnace, as installed by defendants in said residence, was known to them or should have been known to them by the exercise of ordinary care and diligence.

The plaintiff further avers that, shortly after the installation of said furnace in said residence, by reason of the premises aforesaid, and the said gross negligence of

the defendants in the installation of said furnace in said residence, and the improper and defective installation by them of said furnace in said residence, to wit, on the 5th. day of January, 1920, without the fault, or negligence, of the plaintiff, the heat and the fire from said furnace and the flames therefrom were communicated to said residence, and the fire from said furnace and the flames therefrom, set ~~fire~~ said residence on fire, and said residence was entirely burned, consumed and destroyed thereby, together with all its contents, which fire in said residence ignited early in the morning of said day, and the plaintiff avers, that at the time said fire originated and was being communicated to different parts of said residence, and said residence was thus set on fire by said furnace, she was occupying a room on the second floor of said residence, and was in bed asleep in her room on the second floor of said residence but the fire in said residence had increased, developed and progressed with such rapidity and in such volume, and the flames of said fire had spread to such an extent in said residence, that she could not escape, or depart, therefrom by way of the first story thereof, without being burned, destroyed and consumed by fire, which had been communicated to said residence, and the different parts thereof, by said furnace, and the plaintiff was forced and compelled to flee from said residence to save herself from being burned, destroyed and consumed in said fire in said residence, and she was forced and compelled to leap for her life from the porch of the second story of said residence to the ground beneath, a distance, to wit: approximately, twenty feet, whereby she was seriously, painfully and permanently injured, and her limbs, ankles and feet were fractured and sprained, and she was injured, crippled, maimed and disfigured for life, from which injuries she has suffered, and continues to suffer, the most intense pain and anguish of mind and body, and she has incurred large expenses and large medical bills in having her injuries treated and attended.

Wherefore, the plaintiff sues the defendants for damages for the personal injuries sustained by her as aforesaid, and demands a jury to try the issues involved in this suit.

J.F. Shannon,  
J.E. Tubb,  
M.H. Meeks,  
Samuel N. Harwood,  
Attorneys for the plaintiff"

#### "NINTH COUNT.

The plaintiff Mrs. Katherine Porch, sues the defendants, the Beckwith Company, a corporation claiming existence under the laws of the State Michigan, and E.P. Luff, and J.S. Bowen, who are residents of Waverly, Humphreys County, Tennessee, for another fifteen thousand dollars (\$15,000.00), as damages for personal injuries sustained by her, and for cause of action, she adopts all the averments of the preceding count, to wit, the ninth count, of this declaration, and hereby makes averments parts of this count, with the exception of the following averments contained in said count, to wit: The plaintiff avers that, on or about the 10th. day of November, 1919, the defendants, E.P. Luff and J.S. Bowen, doing business under the firm name of the Luff-Bowen Company in the town of Waverly, Humphreys County, Tennessee, were dealers in the Beckwith <sup>known</sup> pipeless furnace as the "Round Oak" which was manufactured by the defendants, the Beckwith Company, and on the aforesaid date, to wit, on or about, the 10th. day of November, 1919, the defendants, E.P. Luff and J.S. Bowen, doing business under the firm name of the Luff-Bowen Company, who were actively

and directly aided and assisted by the defendant, the Beckwith Company, sold and delivered to the plaintiff, Mrs. Nannie C. Teas, a pipeless furnace, known as the "Round Oak" to be used for heating the said residence of the plaintiff, which residence was occupied as a home by the plaintiff, and with the exception of the conclusion of said ninth count beginning with the word, "Wherefore" and continuing to the end of said count, and the plaintiff hereby refers to said count of this declaration for all said averments contained therein which are made parts thereof, and said averments are made parts hereof as fully as though specifically set forth in this count.

The plaintiff now, ~~xxxxx~~ in this count, avers that on, or about, the 10th. day of November, 1919, defendants, for the consideration mentioned in the ninth count of this declaration, sold and delivered to her mother, Mrs. Nannie C. Teas, a pipeless furnace, known as the "Round Oak" which was manufactured by the defendants, the Beckwith Company, to be used for heating the said residence of the plaintiff, her mother and brother, and defendants agreed and contracted with the plaintiff's mother, Mrs. Nannie C. Teas, to install said furnace in said residence in a proper and workmanlike manner, which residence was occupied as a home by the plaintiff, her mother and brother, and the defendants carelessly, negligently, improperly and defectively installed said furnace in said residence, as averred in the ninth count of this declaration, to which reference is hereby made for the averments therein contained.

Wherefore, the plaintiff, by reason of the averments of said preceding count of this declaration, which averments are adopted as parts of this count, and, by reason of all the premises hereinbefore set forth, sues the defendants for another fifteen thousand dollars (\$15,000.00), as damages for personal injuries sustained by her as set forth in the ninth count of this declaration, and demands a jury to try the issues involved in this suit.

J.F. Shannon,  
J.E. Tubb,  
M.H. Meeks,  
Samuel N. Harwood,

Attorneys for the plaintiff."

It is therefore, ordered, adjudged and considered by the court that the motion of the plaintiff, Mrs. Katherine Porch, to amend the original declaration heretofore filed herein by filing an amendment thereto containing said counts designated as follows, to wit: ninth count and tenth count, should be and is hereby disallowed.

To which action of the court in disallowing her motion to amend the original declaration heretofore filed herein by filing said amendment thereto containing two additional counts, designated as ninth count and tenth count, the plaintiff, Mrs. Katherine Porch, here and now duly excepts.

The ~~xxxxx~~ court is further of the opinion that the motion of Mrs. Katherine Porch to amend the original declaration heretofore filed herein by filing an amendment thereto containing two additional counts as to the loss and destruction of certain personal property belonging to her, described in said counts, which counts are designated as follows, to wit: eleventh count, and twelfth count, should be disallowed, which counts are in the words and figures following to wit:

#### ELEVENTH COUNT.

The plaintiff, Mrs. Katherine Porch, sues the defendants for three thousand dollars (\$3,000.00) damages for the destruction and loss of her personal effects and personal property, and for cause of action, avers, that the residence of the plaintiff, and her mother and brother was destroyed by fire communicated to said residence by the heat and fire from said furnace, and the flames therefrom, on the 5th. day of January, 1920.



which furnace was sold and delivered to the mother of the plaintiff by defendants, and installed in said residence by them, as averred in the ninth count of this declaration and under the circumstances therein averred, and all the averments contained in said count as to the sale and delivery of said furnace by defendants to the plaintiff's mother, and the installation of said furnace in said residence by the defendants, and the burning of said residence, by fire, are hereby adopted as parts of this count, and made parts hereof, to which count of this declaration reference is here made for the averments therein contained; and the plaintiff avers that said fire was communicated to said residence by said furnace, and which burned, destroyed and consumed said residence also burned, destroyed and consumed certain personal property and effects belonging to the plaintiff, to wit:

Sheet music,	Chest,
Mirrors,	Penants and pictures,
Books,	Blankets
Electroliner,	Toilet set,
Costumer	Ivory toilet set,
Electric Grill,	Jewelry cass,
Chafing dish and spoons,	Pierced brass set,
Trunks and contents,	Jewelry,
Walrus hand bag,	Porch swing,
Mesh bag,	Rugs
Brass bed,	Chairs,
Down quilt,	Vases
Dressing table and contents	Table,
Washstand and contents	Springs
Handpainted and plain china,	Mattresses,
Kodak and pictures,	Towels
Purs-2 muffs and stole,	Table cloths,
Velvet dress,	Shoes,
Green coat	Combination suit,
Two serge dresses,	Gloves,
Broadcloth dress,	Petticoats
Two silk dresses,	Skirts,
Coatee,	Waists
Winter and summer hats	Nehligee
House dresses and aprons,	Camisoles,
Pillowslips,	Wrist watch,
Lace luncheonsets,	Summerdresses,
Center pieces,	Corsets,
Linen scarf,	Necklaces

and other articles of personal property and personal effects belonging to the plaintiff all of which articles of personal property and personal effects belonging to the plaintiff were located in said residence at the time said fire burned, destroyed and consumed said residence in the manner, and as averred in said count of the declaration all of which articles of personal property and personal effects belonging to the plaintiff were of the value of three thousand dollars (\$3,000.00,) wherefore, by reason of the premises aforesaid, and the said gross negligence of the defendants, and the careless, improper and defective installation of said furnace in said residence, all the articles of personal property and personal effects belonging to the plaintiff, which were contained in said residence at the time of said fire, as aforesaid, were totally burned, destroyed and consumed in said fire, and wholly lost to the plaintiff, without any fault, or negligence, on her part, to her damage, as aforesaid.

Wherefore, the plaintiff sues the defendants for damages for the destruction and loss of her personal effects, and personal property, as aforesaid, and demands a jury to try the issues involved in this suit.

J.F. Shannon,  
J.E. Tubb,  
M.H. Meeks,  
Samuel N. Harwood.  
Attorneys for the plaintiff."

# TWELTH COUNT.

The plaintiff, Mrs. Katherine Porch, sue the defendants for three thousand dollars (\$3,000.00) damages for the destruction and loss of her personal effects and personal property, and for cause of action, avers that the residence of the plaintiff, her mother and brother, was destroyed by fire communicated to said residence by the heat and fire from said furnace, and the flames therefrom, on the 5th. day of January, 1920 which furnace was sold and delivered to the plaintiff's mother by the defendants, and installed in said residence by them, as averred, in the count of this declaration and under the circumstances therein averred, and all the averments contained in said count as to the sale and delivery of said furnace by the defendants to the mother of the plaintiff, and the installation of said furnace in said residence by the defendants, and the burning and destruction of said residence by fire are hereby adopted as parts of this count, and made parts hereof, and the plaintiff avers that said fire which was communicated to said residence by said furnace, and which burned, destroyed and consumed said residence, also burned, destroyed and consumed certain personal property and effects belonging to the plaintiff, described in the ninth count of this declaration, which description of said property is hereby adopted as a part of this count, to which reference is hereby made for the description of said property, all of which articles of personal property and personal effects belonging to the plaintiff were located in said residence at the time said fire burned destroyed and consumed said residence in the manner, and as averred in the ninth count of this declaration, all of which articles of personal property and personal effects belonging to the plaintiff were of the value of three thousand dollars (\$3,000.00); wherefore, by reason of the premises, aforesaid, and the said gross negligence of the defendants, and careless, improper and defective installation of said furnace in said residence, all the articles of personal property and personal effects belonging to the plaintiff, which were contained in said residence at the time of said fire, as aforesaid, were totally burned, destroyed, and consumed in said fire and wholly lost to the plaintiff, without any fault, or negligence, on her part, to her damages, as aforesaid.

Wherefore, the plaintiff, Mrs. Katherine Porch, sues the defendants for the damages for the destruction and loss of her personal effects and personal property, as aforesaid, and demands a jury to try the issues involved in this suit.

J.F. Shannon,  
J.E. Tubb,  
M.H. Meeks,  
Samuel N. Harwood,

Attorneys for the plaintiff."

It is, therefore, ordered, adjudged and considered by the court that the motion of the plaintiff, Mrs. Katherine Porch, to amend the original declaration heretofore filed herein by filing an amendment thereto containing said counts, designated as eleventh count and twelfth count, be and is hereby disallowed.

To which action of the court in disallowing her motion to amend the original declaration heretofore filed herein by filing an amendment thereto containing said

Minutes Circuit Court, Humphreys County, April Term, 30 day of April 1921

counts, designated as eleventh count and twelfth count, the plaintiff, Mrs. Katherine Porch, here and now duly excepts.

On motion of defendants they are allowed 30 days in which to plead answer or demurer to said amended declaration so as not delay the trial of this case on the day set for same, and upon giving ten days notice to Shannon and Tubb, Atty. for plaintiff defendants may take the deposition of chas Martin and Mr. and Mrs. Jim Raney the same to be read as evidence in this cause.

N.C. & St. L. Railroad, )  
vs. ) IN CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE.  
J.B. Tankersley )

IN RE : Settlement of J.B. Tankersley with The Nashville, Chattanooga & St Louis Railway.

This cause came on to be heard upon motion of The Nashville, Chattanooga & St Louis Railway, an employer, and J.B. Tankersley, an employee to have the settlement agreed upon between said parties, in conformity with the Workmen's Compensation law of Tennessee, approved by this Court.

And it appearing to the Court that said J.B. Tankersley was injured on the 29th day of May 1921, the injuries being as follows: eye injured from which he lost 28 days times, and no permanent injury results therefrom, and it further appearing to the Court that the doctor and infirmity bills have been paid by the said Railway, and it appearing to the Court that the agreement of the parties is in words and figures as follows:

"Whereas, J.B. Tankersley of the County of Humphreys State of Tennessee, was injured on the 29th day of May, 1921, at or near Eads, Tenn., while employed as tie inspector by the N.C. & St. L. Railway, account of tripping on wire, which was lying on ground in tie yard, and falling, causing the handle of his paint brush to penetrate just above my eyeball.

"And whereas, I have compromised, adjusted and settled with The Nashville, Chattanooga & St. Louis Railway all differences arising out of the premises, in conformity with the provisions of the Tennessee Workmen's Compensation Act.

"Now therefore, in consideration of TWENTY TWO (\$22.00) Dollars to me in hand paid by said Railway, the receipt of which is hereby acknowledged, I do hereby release, acquit and discharge the said Nashville, Chattanooga & St. Louis Railway, its officers and agents, of all and any liability to me for any damages, of whatsoever kind and nature, that I have sustained or suffered, or which I may hereafter sustain or suffer, through, by or on account of said accident or injury, and I hereby acknowledge full satisfaction and discharge of all liability therefor.

"It is distinctly understood and agreed by me that the sole and only consideration inducing me to the execution of this release is the payment to me of the sum of money mentioned above.

"The consent of the Circuit Court of Humphreys County, Tennessee, will be obtained to commute compensation due under the Tennessee Workmen's Compensation Act into the one lump sum above mentioned, at which time this release will be <sup>come</sup> final.

"The effect of this instrument is fully understood by me and I sign it of my own free will and accord.

B Witness my hand in duplicate, this the 20th, day of June 1921.

(Signed) J.B. Tankersley

A.M. Howard

) Witness.

Minutes Circuit Court, Humphreys County, April Term, 30 day of April 1921

And the compensation to be paid is in accordance with the provisions of the said Workmen's Compensation Law, it is therefore, considered by the Court that the said agreement be, and the same hereby is, approved, The Nashville, Chattanooga & St. Louis Railway to pay the costs.

The Court has further given consideration to claimant's request that settlement in one lump sum be authorized, and it appearing to the Court that this is proper and desirable under the circumstances, authority is hereby given to commute compensation claimant is entitled to into one lump sum, and the agreement of the parties to that effect, heretofore set out, is hereby expressly ~~revised~~ approved.

Approved for entry.

W.L. Cook Judge, Circuit Court, 9th. Judicial Circuit

Approved J.B. Tankersley. (Claimant)

-----Attorney for Railway.

Court then adjourned until court in course.

State of Tennessee }  
Humphreys County }

Be it remembered that a Circuit Court was opened and held in and for the County of Humphreys, at the Court House in the town of Taverly Tenn., on the 8th. day of August, it being the Second Monday in said month, and the One Thousand Nine Hundred and Twenty first year of our Lord, and the One Hundred and Forty Fifth year of American Independence.

Present and presiding the Hon. W.L. Cook, Judge of the 9th. Judicial District of the State of Tennessee.

Court was opened in due form of law by J.L. Smith Sheriff of Humphreys County Tennessee, and by him was returned into open court a writ of Venire Facia showing that the following named persons were appointed by the County Court at its July Term 1921 to appear and to serve as jurors at this the present term of this court to wit: Moody Collier, Joe Cullum, Charlie Parker, Will Madden, E.O. Denslow R.T. Herndon, Ed Hassell, Henry Turner, Jim Meadow, J.R. Fowlkes, W.D. King, Dr. W.A. Lomax, J.H. Stanford, c Tom Brown, Jessie James, S.L. Berryman, Walter Simpson, Tad Smith, Will McCollum, E.J. McCanless, R.P. Ladd, Len Stanfield Frank Owens, J.M. Reece, W.W. Willis and it appearing to the court that the above named parties were regularly summoned by the Sheriff of Humphreys County, and that jurors so summoned appeared and answered said summons except. R.P. Ladd, and J.E. McCanless, and the court will on tomorrow appoint jurors to fill said vacancies

out of said jurors so summoned and appearing were drawn a Grand Jury to wit: D.D. Collier, Len Stanfield, J.B. Smith, Charley Parker, Orson Denslow, R.T. Herndon, Joe Cullum, Ed Hassell, J.R. Fowlkes, Jim Meadow, Henry Turner, and Moody Collier, Will Madden ~~Mr. Lomax~~, out of whom D.D. Collier is by the court appointed Foreman, and the