

not believe their sworn officer, then there was use of him prosecuting any more liquor at all.

111

The verdict of the jury is not based on the evidence, and is against the law as charged by the court. Therefore for the reasons above stated the defendant respectfully submits to the court, that the verdict of the jury is against the law and the evidence and that on a re trial of this case, the verdict will be different.

Burnel Burns  
By F.S. Hall ~~xxxxxx~~

comes on to be heard by the court and the same being fully understood it is in all things over ruled to which action of the court the defendant excepts.

It is the afore ordered adjudged and decreed by the court that for the offense as found by the jury and as charged in the indictment the defendant pay or secure a fine of One Hundred dollars and the costs 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 Humphreys County jail or work house until the same is paid secured or worked out Defendant then prayed an appeal to the next term of the Supreme court at Nashville Tenn. which appeal is granted and the defendant is allowed 60 days in which to perfect and file his bill of exceptions. It is further ordered by the court that the defendant execute bond for his appearance before the Court as required by law and in the event of his failure he will be taken into custody by the Sheriff of Humphreys County and by him confined in jail to await the action of the Supreme Court.

State of Tennessee )  
vs. ) incest  
Ray Turner )

In this cause comes again the Attorney General for the state and the defendant in person and by attorney when the motion for a new Trial heretofore filed in this cause to wit: in this case comes the defendant and moves the court for a new trial and for grounds:

1

There is no evidence to support the verdict of the jury.

(a) The testimony of the female alone is without corroboration, There is a total failure to prove any force, coercion, artifice or devise or fraud to procure the alleged intercourse, The case made by the alleged injured female in her testimony is in to to denied by the defendant. The testimony of the alleged injured female as to time and place of the wrongs and injuries complained of is without support and is flatly contradicted by three witnesses as to material details testified to by the female The females testimony as to opportune times and places, and the number of intercourses with the defendant is unreasonable, against nature and would not justify the verdict of the jury. The record shows that one John Marion Wallace had more opportune time and places than the defendant. There was evidence of lewd and lascivious conduct between Wallace and the female. There was no evidence between the defendant and the female in question. The evidence shows that in writing and above her signature without force coercion or other improper influence the female in question freely and voluntarily stated that the defendant was not guilty as charged in the indictment in this case in this case and in the second letter written after she had departed from the county she stated that she was not going to appear against him at all and that he was innocent

of the offense charged.

11

For the reasons assigned and matter stated in the first grounds of this motion the evidence preponderates in favor of the defendant and against the verdict of the jury

111

The verdict of the jury shows passion and prejudice against the defendant and caprice in their findings.

(a) The charge in the indictment of itself is calculated to produce a revulsion of feeling and prejudice against the defendant in the mind of any juror.

(b) The court erroneously permitted the Attorney General in argument and over the objections of the defendant's attorney without ruling the motion to pay upon this passion and prejudice and stat that if the jury did not convict in this case there was no use in him prosecuting in another like case.

IV.

The verdict of the jury is against the law charged by the court. That because of the matters and things herein before set out in grounds I to IV inclusive of this motion the jury could not find the defendant guilty beyond a reasonable doubt, without basing their verdict on passion prejudice or caprice.

V

It is therefore respectfully submitted to the judgment of the court, that the verdict of the jury is against the law and the evidence, that the verdict does the defendant a grave injustice, and that on a re trial of this case the verdict of the jury will be different.

Ray Turner  
F.S. Hall Attv.

comes on to be heard by the court and the same being fully understood it is in all things over ruled. To which action of the court the defendant excepts It is therefore ordered adjudged and decreed by the court that for offense incest as found by the jury the defendant be confined in the state penitentiary at Nashville Tenn. at hard labor for an indeterminate period of time of not less than five years nor more than twenty one years and that he pay the cost of this cause for which let execution issue. The defendant therefore moved in arrest of judgment which motion was likewise over ruled. Defendant then prayed an appeal to the next term of the Supreme court at Nashville Tenn. which appeal is granted and the defendant is allowed sixty days in which to prepare and file his bill of exceptions. It is further ordered by the court that the defendant execute bond in the sum of one thousand Dollars for his appearance before the Supreme court as required by law and in the event of his failure he will be confined in the Humphreys County, jail to await the action of the Supreme court.

State of Tennessee )  
vs. ) Murder  
Dick Mayberry )

In this cause comes again the Attorney General for the state and the defendant in person and by attorney, when the motion for a new trial heretofore filed in this cause to wit: This day came Dick Mayberry, The defendant in his own proper person and by attorney, and moved the court to to grant him a new trial and in support of said motion assigns the following grounds etc:

1

Because there is no evidence to support the verdict.

## II

Because the verdict is against the weight of the evidence.

## III

Because the evidence preponderates against the verdict.

## IV

Because the evidence as a whole does not warrant a conviction of Murder in the second degree.

## V

Because the facts in the case show that there was neither previous nor present malice, hence was no element of murder in the second degree in the case.

## VI

The fact that the jury returned a verdict of murder in the second degree under the evidence in the case, shows passion, prejudice and caprice on the part of the jury.

## VII

Because the facts in this case do not and cannot make out a case of murder in the second degree.

Cases on to be heard by the court the same being fully understood it is in all things therein over ruled. To which action of the court the defendant excepts.

It is therefore ordered, adjudged and decreed by the court that for the offense of murder in the second degree as found by the jury, the defendant be confined in the state penitentiary at Nashville Tenn, at hard labor for an indeterminate period of time of not less than ten years nor more than twenty years and that he pay the cost of this cause for which let execution issue. Defendant thereupon moved in arrest of judgment which action was likewise over ruled. Defendant thereupon prayed an appeal to the next term of the supreme court at Nashville Tenn. which appeal is granted and the record at is a closed sixty days in which to prepare and file his bill of exceptions. It is further ordered by the court that the defendant execute a bond in the sum of Five Thousand Dollars for his appearance before the supreme court as required by law and in the event of his failure to do so he will be ~~confined in the custody of~~ held in the custody of the sheriff of Humphreys County and by him confined in jail to await the action of the supreme court.

Mary Finch	X	
vs.	X	
	X	Motion for confessed judgment
J.W. Burks, R.L. Burks Security	X	
Em. Breeding, R.R. Burks	X	

This day came Mason Sanders, and produce in open court a certain promissory note in the words and figures following to wit:

## NOTE

\$3,000.00  
Waverly, Tenn. April 19 1921.  
----- Jany. 1st. 1922----- after date, we or either of us promise to pay to the order of Mrs. Mary E. Finch----- Three Thousand Dollars for value received payable at THE CITIZENS BANK OF Waverly, Tennessee at 8% per annum as per agreement Bearing interest from date. Both makers and endorsers to this note severally and jointly waive demand notice of non-payment and protest. In the event suit is brought upon this note, we both makers and endorsers, agree to pay 10 per cent attorneys's fee, to be included in the judgment rendered for collection of same, and we, and each of us

both makers and endorsers, hereby authorize, Mason Sanders or J. Ben Fuqua or either of them, at any time after the above note becomes due, to go before any court of Record or before any Justice of the Peace having jurisdiction thereof in the State of Tennessee, and confess judgment thereof against us in favor of Mrs. Mary Finch or assigns, for said amount with interest and costs, and the 10 per cent attorney's fee, in accordance with the provisions of Section 4705, 4706 and 4707, Code of Tennessee Shannon's Edition, 1896. See Credit. J.W. Burks, R.L. Burks, surety Em. Breeding Surety, R.R. Burks Surety

Credit by \$350.00 Apr. 25 "21  
Credit By \$65.33 July 10th. 1921  
Interest on time certificate  
Interest paid to Jany. 23 1922  
Credit by \$784.67 Jany 24 1922  
Credit by \$200.00 Apl. 26th. 1922

In which note was also contained power of attorney written on the face thereof authorizing Mason Sanders, or J. Ben, Fuqua to appear before any court of this state and confess judgment in favor of the plaintiff against the defendant on said note at any time after its maturity, if not paid with interest and costs and a 10 per cent attorney's fee etc. and thereupon it was proven in open court that the defendant executed said note and power of attorney, and said Mason Sanders as such attorney in fact confessed the defendant owed the plaintiff \$1600.00 with interest from Jany. 24th. 1922 to Apr. 26th. 1922 and with interest on \$1600.00 from April 26th. 1922 \$77.50 as interest thereon aggregating \$1677.50 and agreed that this court might render judgment in favor of the plaintiff against the defendants for said sum of \$1677.50.

It is therefore ordered said note containing said power of attorney be filed be filed and made part of the record in this cause, and the plaintiff Mrs. Mary Finch recover of defendants J.W. Burks, Principal and R.L. Burks, Em. Breeding and R.R. Burks Sureties the sum of \$1600.00 Principal \$77.50 interest and \$100.00 attorneys's fee making in the aggregate \$1777.50, and all costs of this suit for which let execution issue.

State of Tennessee

vs.

Dick Mayberry et, al,

Manufacturing Liquor for the purpose of sale.

In this case came the Attorney General for the state and the defendants in person, and plead guilty as charged. Thereupon the court assess the penalties and say they shall a fine of \$250.00 each together with all the costs, and be confined in the county jail for a period of 90 days, and in the event of their failure to pay or secure said fines and costs they will be confined in the county jail or work house until they pay secure or work out all of said fines and costs.

Court then adjourned until to morrow morning at 9 o'clock,

W. B. Burks Judge.

J.A. Gray )  
 vs. ) In the Circuit Court of Humphreys County, Tennessee.  
 Willein B. Gray )

This cause was heard on this the 22nd. day of August, 1922, before his Honor, Judge W.L. Cook, upon the bill of complainant, J.A. Gray, and the answer and Cross-Bill of defendant, Willein B. Gray, and the answer to said Cross-Bill and the oral testimony of witnesses examined in open court, and it satisfactory appeared to the court from the proof that the facts charged in the bill are true, that the defendant, Willein B. Gray, was guilty of the act of adultery with one M.C. Carnell on the of day 23rd., 1922, in the home of the complainant, as charged in the bill, and that the complainant, is a virtuous man and gave defendant no cause or excuse for her said misconduct and has not condoned the same.

It is therefore ordered, adjudged, and decreed by the court that the bonds of matrimony subsisting between the complainant and defendant be absolutely and forever dissolved. The Cross-Bill not being sustained by the proof is dismissed.

The complainant will pay the costs of all his witnesses and the costs incident to the filing of the bill. The defendant will pay the costs of her witnesses and the costs incident to the filing of her <sup>Cross</sup> bill for all of which execution will issue.

As to the property rights the court holds that these are determined by statute, to wit: Sec. 4225 of Shannon's Annotated Code of Tennessee, and the complainant's rights to such property are adjudged accordingly.

The court was further of the opinion and so orders, adjudges and decrees that the complainant, J.A. Gray, be and is awarded the custody of the only child of said marriage, to wit: J.A. Gray, III, subject to the right of the defendant to have said child visit at her mother's home in Birmingham, Alabama, one month in each year during the school vacation period but before such right to such visit she must make a good and solvent bond in the sum of ~~five~~ thousand dollars payable to the State of Tennessee for the use of J.A. Gray payable in the event that the said defendant fails to safely return the said child to the custody of the said J.A. Gray and the jurisdiction of this court at the end of said month's visit. Such visits to be at the ~~home~~ expense of the defendant. The sureties on said bond must be persons or surety company within the jurisdiction of this court, and the solvency of such bond is to be determined by the judge of this court. Upon inability of defendant to execute the foregoing bond

it is ordered that defendant and the boy Joe Gray may see each other and visit together a month each vacation at the home of defendant's uncle Jeff H. Johnson at Nashville Tennessee, he to be returned to the custody of his father after each visit, not to exceed one month each vacation.

It is further ordered for the present year the mother shall have the right to be with her son at the home of her said uncle from Tuesday Aug. 29 th, 1922 to Saturday Sept. 2nd. to be returned on that day on the after noon to the custody of his father at Bay City Tenn.,

To all of which the defendant excepts and prays an appeal to the next term of the Court of Civil Appeals at Nashville, which is granted and for good cause shown ~~the~~ defendant is allowed thirty days from August 26 1922 within which time to execute appeal bond and prepare said appeal and which to prepare and file her bill of exceptions.

ANNIE EWING )  
 vs. ) IN THE CIRCUIT COURT, MAYBURY TENNESSEE.  
 AMOS EWING )

# EXHIBIT

In this cause it duly appearing to the Court that the defendant Amos Ewing, has been regularly brought into Court, by service of proper process and up to this the last day of the term has made no defence, but is in default, it is ordered on motion of the plaintiff that as to said defendant, the bill be taken for confessed, and the case set for hearing ex parte.

Whereupon, the cause was further heard by the Court upon the petition, of Annie Ewing, the proconfesso, and the testimony of witnesses examined in open court, and it satisfactorily appeared to the court that the facts charged in the petition are true. That the defendant was guilty of such cruel and inhuman treatment towards his wife the petitioner as rendered it unsafe and improper for her to cohabit with him and be under his dominion and control. That he had failed, neglected and refused to provide for her. It is therefore ordered adjudged and decreed by the court that the bonds of matrimony subsisting between the petitioner and defendant be absolutely and forever dissolved and that the petitioner be vested with all the rights of an un married person, That the defendant pay the costs of this cause for which execution issue. The Court so orders, adjudges and decrees.

H.H. Ross  
 vs.

Union Mercantile Co.

This case is continued by consent and set for Monday of the next term of this court

# JAILER'S BOARD BILL FOR BOARDING PRISONERS

This day came into open court J.A. Crowell Jailer of Humphreys County, Tennessee present and read in open court his account against the State of Tennessee, for keeping prisoners charged with felonies.

Which is as follows State against Grady Turner June 5th. - 22 June 7, 3 day \$8.25  
 2 turn keys ~~200~~ \$2.00 \$425.

Which amount is allowed by the court, and ordered paid out of the State Treasury and that the Clerk of this Court make out and certify the same to the Comptroller of the State for payment as the law directs.

This came R.C. Carnell into open court, and present and read in open court his account against the State of Tennessee, for <sup>boarding</sup> the Jurors in the case of State against Ray Turner and the case of State of Tennessee against Dick Mayberry, which amount is \$63.00 which amount is allowed by the court and ordered paid out of the State Treasury, and that the Clerk of this court make out and certify the same to the Comptroller of the state as the law directs.

Sam Hudgins )  
 vs. ) Condemnation  
 Jim Stewart )

J.M. Gray, a Justice of the Peace of Humphreys County, filed herein court the following papers.

#### Replevin Writ.

State of Tennessee, Humphreys County. Sam Hudgins, makes oath in due form of law that, according to the best of his knowledge information, and belief his is entitled to the possession of the following property, to wit: Two Black horse mules, that the said Jim Stewart has unlawfully seized and detained the same from Sam Hudgins which property is now in the possession of said Osker Stewart J.P. Stewart, and which the said Sam Hudgins now proposes to replevy, and that the said property was not subject to seizure detention on the part of said Defendant.

S.S. Hudgins Seal

Subscribed and sworn to before me, this 24th. day of April 1922. J.M. Gray J.P.

#### Bond

KNOW ALL MEN BY THESE PRESENTS, That we Sam Hudgins Lee Rice Dick Weather Spoon securities, acknowledge ourselves to be indebted and firmly bound unto said Jim Stewart in the sum of Four Hundred Dollars, for the payment of which, well and truly to be made and done, we bind ourselves, and each of us, our heirs, executors, and administrators firmly by these presents. Sealed with our seals, and dated this 24 day of April 1922. THE CONDITION OF THE ABOVE OBLIGATION IS SUCH. That, whereas, the above bound Sam Hudgins has, this day sued out a writ of Replevin against the said Stewart for the following property, to wit: Two Black horse mules 4 & 5 years old which said writ is returnable before J.M. Gray or some other Justice of the Peace for the County, of Humphreys State of Tennessee: Now if the said Sam Hudgins shall abide by and perform the judgment of the Justice in the premises, this bond to be void, otherwise to remain in full force and effect. Witness our hands and seals, the day and year above written.

S.S. Hudgins Seal)  
 W. J. Weatherspoon Seal)

State of Tennessee L.A. Rice County. TO THE SHERIFF OR ANY CONSTABLE OF SAID COUNTY: I command you to summons-- -----Stewart J.P. Stewart to appear before me, or some other Justice of the Peace for said County, to answer the Complaint of Sam Hudgins for unlawfully seizing and detaining from him the following property to wit: Two Black horse mules 4 & 5 years old which the said Sam alleges to be his. You are, therefore commanded to take the said property out of the possession of the said Osker Stewart J.P. Stewart and deliver the same to the said Sam Hudgins having bond and security as required by law. Given under my hand and seal, this 24 day of April 1922.

J.M. Gray, J.P.

#### SHERIFF'S RETURN

Came to hand and executed by summoning Defendant to appear before J.M. Gray Esq. at 12 o'clock April 26 1922, and delivered the property to the plaintiff. Sam Hudgins

Louis Ross C.H.C.

Filed July 3rd. 1922. Albert Binkley, Clerk.

#### JUDGMENT

Judgment for Plaintiff for possession of property described herein and sale ordered to satisfy note for \$203, to same which title was retained on said property. This April 24 1922. J.M. Gray J.P.

Sale of said property herein described having realized the sum of \$65.00 judgment for balance of said note less credit thereon is hereby rendered in favor of the said S.S. Hudgins and against the defendant Jim Stewart in the sum of \$121.45 This the 5th. day of May 1922 J.M. Gray J.P.

#### EXECUTION

STATE OF TENNESSEE, Humphreys County. To any lawful officer to execute and return: You are hereby commanded that of the goods and chattels, lands and tenements of Jim Stewart you cause to be made the sum of One Hundred & Twenty One Dollars and Forty five Cents, and costs of this suit, to satisfy a judgment which S.S. Hudgins obtained before J.M. Gray, Justice of the Peace on the 6 day of May 1922, against the said Jim Stewart and such moneys, when collected, pay to the said S.S. Hudgins. Given under my hand and seal, this 15 day of May 1922 J.M. Gray (Seal) Justice of the Peace.

#### LEVY

This execution came to hand when issued and search having been made and no personal property having been found in my county belonging to defendant Jim Stewart out of which to make said execution, I therefore levy the same on all the right, title and interest the said defendant Jim Stewart may have in and to the following tract of land, situated in the old ninth now the third Civil District of Humphreys County, Tennessee, on Tumbling creek, said land being known as the A.D. or Dan Stewart land, Bounded and described as follows:- Beginning on a staked on top of a ridge, the same being Yancey Franklins North corner of the Walker tract, running from there west 85 poles to a rock against Franklins fence, then due south 32 poles to a rock, against the fence, then 47 1/2 west sixteen and one half poles to a small sweet gum, about 2 poles N. of Tumbling creek, with small Iron wood pointers, then down said creek 730 W. Twenty Six poles to a small red bud on the north side of said creek, with mulberry, hickory and elm pointers, then south Eighty six degrees W. sixteen and one half poles to a red elm, with elm, hornbeam, sweet gum and red elm pointers then S. 710 W. 21 poles to a sassafras, with red bud, Iron wood and elm pointers, then S. 820 W. 10 1/2 poles to a stake in the creek in Griffins line, then S. with Griffins line, 250 poles to a small blackoak, in the south boundary line of the Reubin Reeves entry, then E with said One Hundred Sixty eight poles to a post oak, with hickory pointers, Lee Crowells S.W. corner of his John Walker tract, then N. with said line 140 poles to Lee Crowells N.W. corner, passing said corner at 140 poles, in all 400 poles, to the beging, the deft Jim Stewart being a reputed owner of an undivided interest in said land. This the 15th. day of May 1922 J.L. Smith Sheriff Humphreys County. Filed July 3rd. 1922 Albert Binkley Clerk.

#### Note

Jan. the 15th. 1921. \$203.00 Twelve months after date I promise to pay to S.S. Hudgins two hundred and three dollars (\$203 00) for two mules described as follows. One horse mule black, about 15 hands high, will be 4 years old on the coming spring. One horse mule, black, about 14 hands high and will be 3, years old this coming spring. It is understood between the parties to this contract that the title to the above described property is to be and remain in the said S.S. Hudgins until the two hundred and three dollars with interest paid to him in full. Interest at 6% from date. J.T. Stewart.



Minutes Circuit Court, Humphreys County, August Term, 22 day of August, 1922

Credit by cow \$34.00 Nov. 1921. Credit the within note sixty five dollars this May 6 1922. Filed July 3rd. 1922 Albert Binkley Clerk.

And on motion of the plaintiff, it is ordered by the court, that the lands so levied upon be sold by the sheiff of Humphreys County, to satisfy the aforesaid judgment of J.M Gray J.P. in favor of said S.S. Hudgins and also the costs of this proceedings.

State of Tennessee  
vs.  
Newt Bowled et. al. ) Felony

In this cause came the Attorney General for the State, and the defendatns in person and by attorney, and plead guilty to a trespass. Whereupon the court assess the penalty and say that they shall pay a fine of Twenty five dollars, <sup>each</sup> together with all the costs, and in the event of their failure to pay or secure said fines and costs they will be confined in the county jail or work house until they pay secure, or workout all of said fines and costs.

State of Tennessee  
vs.  
Reb Wright et, al, (

In this cause came the Attorney for the State, and defendants Reb Wright, Jno. Mathews, Jack Nash, Prenton Nash, Neily Inman, and R.E. Barkley and enter their pleas of guilty. Whereupon the court assess the penalty and say they shall pay a fine of five dollars each together with all the costs, then came into open court Reb Wright paid to the clerk of this court his part of these fines, and also came John Mathews into open court and paid to the clerk of this court his part of these fines and costs, then came into open court A.S. Nash and entered his name as surety for the fines and costs as to Jack and Prenton Nash, then came into open court W.H. Knight and S.F. Roberts and entered their names as sureties for the fine and costs as to R.E. Barkley, and as to the defendant Neily Inman his part of the fines is not secured, and 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. It is therefore ordered adjudged and decreed by the court that the State of Tennessee recover of the defendants, and the sureties as to Jack and Prenton, ~~xxxxxx~~ Nash, and also R.E. Barkley's Sureties, for which let execution issue.

A.W. Lucas  
vs.  
Thomas A. Horton et, al,

This cause was on this the Second Monday in August 1922 dismissed for want of prosecution at the costs of the Plaintiff, for which let execution issue.

Court then adjourned until court in course.

W. L. Ross Judge.

Minutes Circuit Court, Humphreys County, December Term, 11 day of December, 1922

CAPTION DECEMBER TERM 1922

STATE OF TENNESSEE  
HUMPHREYS COUNTY

Be it remembered that a Circuit coutr was opened and held in and for the County of Humphreys, at the court house in the town of Waverly, Tenn., on the 11th. day of December, it being the 2nd. Monday in said month, and the One Thousand Nine Hundred and Twenty Second year of our Lord, and the One Hundred and Forty Sevemth year of American Independance .

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, Tennessee and by him was returned into open court a writ of Venire Facias showing that following named persons were appointed by the County Court at its October Term 1922 to appear and to serve as jurors at this present term of this court to wit: M.M. Scholes, John Carter Howard Bell George Hall, J.D. Whitfield W.A. Bell, J.H. May, Moody Anderson, Jim Rainey, Charley Buchanan, G.F. Moore Max Moore W.A. Totty, T.W. Williams, Pleas Fuqua, F.A. Murphree, John James, J.A. Fortner, I.T. Crockett, Ruff Yates, R.T. Curren Ike Davis, A.A. Wood, Stewart Strahle, W.E. Shultz, and Whitman Porch, -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 W.A. Bell, J.H. May, Jim Rainey, Max More, T.W. Williams F.A. Murphree, John James, I.T. Crockett, W.E. Shultz, and Whitman Porch who were excused by the court for various causes, and J.F. Wood, Walter Anderson Charley Trotter Molton Forest Jess Peach, Deering White Tom Gatlin and G.H. Dotson were appointed by the court said ~~xxxxxxx~~ to fill said vacancies so appearing, out of said jurors so summoned and appearing were drawn a Grand Jury to wit: Pleas Fuqua, W.R. Yates, H.E. Bell, George Hall, M.M. Scholes, G.F. Moore, J.A. Fortner, W.A. Totty, Ike Davis, Charley Buchanan A.A. Wood, and R.T. Curren, and D.D. Collier having been appointed Foreman of the Grand Jury at a former term of this court, 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 charge of their sworn officer J.A. Crovell a Deputy Sheriff of Humphreys County sworn according to law to attend them in considering indictments and presentments.

H.H. Ross  
vs.  
Union Mercantile Co. ) Damage

In this cause came the parties by their attorneys, and also a jury of good and lawfull men of Humphreys County, to wit: Stewart Strahle, J.F. Wood Walter Anderson, Molten Forest, J.D. Whitfield Charley Trotter, Jess Peach, Deering John Carter M.M. Anderson white Tom Gatlin and G.H. Dotson, who being duly elected empanelled and sworn to well and truly try the issues joined, who after hearing part of the evidence, and not having time to complete the trial siad jury was respited by the court until to morrow morning at 9.00 o'clock.

State of Tennessee  
vs.  
Arthur Finley ) Drunkenness

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

Minutes Circuit Court, Humphreys County, December Term, 11 day of December 1922

he shall pay a fine of five dollars together with all the costs, then came into suspended and confined in the county jail of a period of thirty days, but said jail sentence upon Court Mrs. R.F. Finley and J.N. Brown and entered 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 and his sureties all of said fine and costs for which let execution issue.

State of Tennessee )  
vs. ) Drunkenness  
Lee Roy Patterson )

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, and be confined in the county jail for period of thirty days but said jail sentence is suspended, 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 go hence without day.

Court then adjourned until tomorrow morning at 9.00 o'clock.

W. J. Lovell Judge.

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

This day the Grand Jury came into open court, and present the following indictments and presentments

One against Grady Bailey et.al. Larceny, which indictment is in the words and figures following to wit: State of Tennessee, Humphreys County. Dec. Term of Circuit Court A.D. 1922. 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 Grady Bailey and Alfred Lane heretofore to wit, on the 28th. day of Sept. 1922, in the County aforesaid, unlawfully and feloniously did steal, take and carry away two torpeloins of the value of fifteen dollars, the property of Nashville, Chattanooga and St. Louis R.R. of said County, then and there being found contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State. Jno. E. Bowman Attorney General.

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present that the said Grady Bailey, and Alfred Lane, of said County, on the day and year aforesaid in the State County aforesaid, unlawfully, and feloniously did receive, buy, conceal and aid in concealing two torpeloins of the value of fifteen Dollars, the property of Nashville Chattanooga and St. Louis R.R. of said County, before then feloniously stolen, taken and carried away by some one, to the Grand Jury unknown, thus the said ~~Grady Bailey~~ Grady Bailey and Alfred Lane, then and there knowing the said torpeloins, to have been feloniously stolen and carried away, and the the said Grady Bailey and Alfred Lane intending then and there fraudulently to deprive the owner thereof contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the state. Jno. E. Bowman Attorney General.

Minutes Circuit Court, Humphreys County, December Term, 12 day of December 1922

Dec. Term, 1922. THE STATE vs. Grady Bailey et.al, Larceny. Gene Ditson Prosecutor. Subpoena for the State Gene Dotson, Clarence Baker J.L. Smith, Witnesses sworn by me on this indictment before the Grand Jury Dec. Term 1922. D.D. Collier Foreman

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

One against Ed Prewett et.al, which indictment is in the words and figure following to wit: State of Tennessee, Humphreys County. Dec. Term of Circuit Court A.D. 1922.

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 Ed Prewett and Alfred Lane of said County heretofore, to wit, on the 28th. day of Oct. 1922, in the County aforesaid, unlawfully and feloniously did steal, take and carry away 5 pair of shoes of the value of thirteen dollars, the property of Nashville, Chattanooga and St. Louis R.R. of said County, then and there being found, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State. Jno. E. Bowman Attorney General. And the Grand Jurors aforesaid, upon their oath aforesaid, upon do further present that the said Ed. Prewett and Alfred Lane, of said County, on the day and year aforesaid, in the County aforesaid, unlawfully and feloniously did receive, buy conceal and aid in concealing 5 pair shoes of the value of thirteen dollars, the property of Nashville Chattanooga and St. Louis R.R. of said County, before then feloniously stolen, taken and carried away by some one, to the Grand Jury unknown, they the said Ed. Prewett and Alfred Lane then and there knowing the said shoes to have been stolen feloniously stolen, taken and carried away, and they the said Ed. Prewett and Alfred Lane and there fraudulently to deprive the owner thereof, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the state. Jno. E. Bowman Attorney General. Dec. Term 1922. THE STATE vs. Ed Prewett et.al, Gene Dotson Prosecutor Subpoena for the State Gene Dotson J.L. Smith Jim Manor Bob Lawrence. Witnesses sworn by me on this indictment before the Grand Jury Dec. Term 1922 D.D. Collier Foreman Grand Jury. Jno. E. Bowman Attorney General. A TRUE BILL D.D. Collier Foreman Grand Jury.

One against Frank Young Assault and Battery, Subpoena for the State, Bryan Bailey Fred Prichard, Cave Nolan Co.

One against C.G. Buagay et.al, M. Liquor Subpoena for the State Geo. Smith, Geo. Moore Henry Fortner, J.L. Smith.

State of Tennessee )  
vs. )  
Harvil Jones et.al, )

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

State of Tennessee )  
vs. )  
Barnest Curtis )

In this case comes the Attorney General and stated to the Court that he desires to prosecute this case no further. It is therefore ordered, adjudged and decreed by the court that the defendant be discharged.

In the following cases Alias Capiases was ordered issued for the defendanats State against Will Gun. Herbert Sykes, John Davis, Durant Forest. Durant Forest et.al, Harold Gibbs, Casey Parnell, Arthur Atchison, Ernest Baker, Acra Cathey, Ellis Hooper

Minutes Circuit Court, Humphreys County, December Term, 12 day of December 1922

State of Tennessee  
vs. ) Drunkenness  
Yes Williams )

In this case came the Attorney General for the State and the defendant in person, and plead guilty as charged, where upon 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 D.M. Cooper, Joe Ferington, and John Williams and entered their names as sureties for all of the 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 costs for which let execution issue.

State of Tennessee  
vs. ) A.B.  
Ernest Dotson )

In this case came the Attorney General for the State and agreed to a nolleprosequi entered in this case upon the defendant paying or securing the costs, then came into open court M.V. Dotson and N.B. Bradley and entered their names as sureties for the costs of this case.

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

State of Tennessee  
vs. ) Forgery  
Mrs. N.E. Steiner )

In this case came the Attorney General for the State and agreed for a nolleprosequi to be entered in this case upon the defendant paying or securing the costs, then came into open court V.F. Baker and J.B. Miller and entered their names as sureties for the costs in this case.

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

State of Tennessee  
vs. ) Drunkenness  
Dalton Turner )

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, 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.

State of Tennessee  
vs. ) Drunkenness  
Marion Plant )

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

Minutes Circuit Court, Humphreys County, December Term, 12 day of December 1922

State of Tennessee  
vs. ) Drunkenness  
Herbert Register )

In this case came the Attorney General for the State, and the defendant's father in person and entered a plea of guilty for the defendant, whereupon the court assess the penalty of five dollars together with all the costs, and he confined in the county jail for a period of thirty days, but said jail sentence is suspended them came into open court the defendant's father and paid to the Clerk of this court all of said fine and costs.

It is therefore ordered, adjudged and decreed by the court that the defendant go hence without day.

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. ) A.B.  
Oval Morgan )

In this case came the Attorney General for the State, and the defendant in person, and plead guilty as charged, thereupon 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 workout all of said fine and costs.

State of Tennessee  
vs. ) Drunkenness  
John Smith )

In this case came the Attorney General for the State, and states to the court that he desires to prosecute this case no further.

It is the therefore ordered, adjudged and decreed by the court that the defendant be discharged.

The following cases were continued by the defendants. State of Tennessee against Coby Rogin, State against Coby Rogin, State Bob Lawrence, State against A.L. Beacham.

State of Tennessee  
vs. ) Ag. consent  
Grady Turner )

This case is continued by defendant because of absence of Jno. Watts, Grady Anderson Daisy Ester and Clyde Tibb.

State of Tennessee  
vs. ) Manufacturing Liquor for the purpose of sale  
C.G. Baugus et.al. )

This case is continued by defendant by consent of the Attorney General.

State of Tennessee  
vs. ) Larceny.  
Perry Edwards et.al. )

This case is continued by consent.

State of Tennessee  
vs.  
Ted Wilson ) Drunkenness.

In this case came the Attorney General for the State and the defendant in person and plead guilty as charged, thereupon 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 workout all of said fine and costs.

State of Tennessee  
vs. B.D.  
Bob Lawrence )

In this case came the Attorney General for the State and the defendant in person and by attorney, who being duly arraigned and charged on said bill of indictment pleads not guilty. Thereupon to try the issue joined came a jury of good and lawful men of Humphreys County to wit: J.A. Slayden, J.F. Wood, M.J.L. McMackins, John Carter, M.M. Anderson, G.H. Dotson, George Merdith, J.D. Whitfield, Ed. Hasell, Tom Gatlin, and Jim Daneworth, H.C. West, who being duly elected tried and sworn according to law who after hearing all the proof argument of counsel and the charged of the court upon their oaths do say they find the defendant guilty of possessing liquor as charged in said bill of indictment. Thereupon the court assess the penalty and say that the defendant shall pay a fine of One Hundred Dollars together with all the costs, and be confined in the county jail for a period of six months, but said jail sentence is suspended pending the disposition of a tipping case, and in the event of his failure to pay or secure said fine and costs he will be confined in jail or work house until he pay secure or work out all of said fine and costs.

State of Tennessee  
vs. )  
Walker Breeden ) Manufacturing Liquor for sale.

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 plead not guilty. Thereupon to try the issue joined came a jury of good and lawful men of Humphreys County to wit: Jess Peach, J.F. Wadd, M.J.L. McMackins, John Carter, M.M. Anderson, Joe Brandon, G.H. Dotson, J.D. Whitfield, Hart Johnson, Henry Fortner, Tom Gatlin, and Albert Larkins who being duly elected tried and sworn to well and truly try the issues joined according to law who after hearing all the proof argument of counsel and charged as charged the court instructed the jury to return a verdict of not guilty. It is therefore ordered adjudged and decreed by the court that the defendant be discharged and go hence without day.

Court then adjourned until to morrow morning at 9.00 o'clock.

W.L. Bane Judge.

State of Tennessee  
vs. ) Larceny  
Grady Bailly & Alfred Lane )

In this cause comes 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 pleas guilty to Petite Larceny. Thereupon came a jury of good and lawful men of Humphreys County, Tenn., to wit: G.W. Smith, Kinch May, M.J.L. McMackins George Merdith, Jim Daugus, Tom Manor, J.M. Allison Bob Holland Joe Brandon, Frank Rochell, C.S. Allison and Jim Rumsby, who being duly elected triad, and sworn according to law, after hearing the proof statement of counsel and the charge of the court, upon their oaths do say that they find the defendants guilty as charged and recommend a term of four months in the County Jail for Grady Bailly and a term of one month for Alfred Lane.

Thereupon, for sufficient reason, the Court gave the defendants their choice of serving said sentence in the Montgomery County Jail or work house or taking a sentence of from one to five years in the state prison whereupon the defendants stated in open court that they preferred to take a term in the state Prison.

It is therefore ordered adjudged and decreed by the court that for the offense of Petite Larceny the defendants be confined in the State Penitentiary at hard labor for an indeterminate period of time of less than one year nor more than five years and that they pay the costs of this cause for which let execution issue. It is further ordered that the sentence of Alfred Lane be served concurrently with the sentence imposed in another case at this term.

Defendants are also rendered infamous disqualified to exercise the election franchise or give evidence in any of the Courts of this State

The Peoples Bank  
vs. )  
T.J. Cates Pres, ) In the Circuit Court of Humphreys County,  
D.M. Merdith Surety ) December term 1922.  
T.M. Buchanan )

Came this day in open court, on December 14th. 1922, W.D. King and presented the following note to the court  
\$1141.10 McEwen, Tenn. Jan. 1 1922. Y months after date, we or either of us promise to pay to the order of THE PEOPLES BANK One Thousand, One Hundred forty one & 10/100 Dollars for value received, at THE PEOPLES BANK At McEwen, Tennessee. Both makers and endorsers to this note severally and jointly waive demand notice of non payment and protest. In event suit is brought upon this note, we both makers and endorsers, agree to pay 10 per cents attorneys fee, to be included in the judgment rendered for collection of same, and we and each of us, both makers and endorsers, hereby authorized, W.D. King or J.J.S. or either of them, at any time after the above note becomes due, to go before any court of record or before any Justice of the Peace having jurisdiction thereof in the State of Tennessee, and confess judgment thereof against us in favor of THE PEOPLES BANK of McEwen Tennessee or assigns, for the said amount with interest and costs, and the 10 per cents attorney's fee, in accordance with the provision of Section 4705, 4706, and 4707 Code of Tennessee Shannon's Edition 1922.  
No. 3103 Due July 1st/ 22 T.J. Cates, D.M. Merdith S. T.M. Buchanan Surety

and through attorneys moved the court for a judgment by confession on said note for the principal, interest and the ten per cent attorneys's fee on said note and the costs of the motion, in favor of the Peoples Bank and against the defendants the said T.J. Cates D.M. Merdieth and T.M. Buchanan; and it appearing to the satisfaction of the court that the said W.D. King is the same person that was named in ~~their~~ said note and authorized therein to confess judgment thereon, and that he in open court did confess judgment and state and show to the court that said note is past due, owing and unpaid and that the makers of the said note the said defendants did execute the same, for value received and did authorized the said W.D. King to so confess judgment thereon before or in any court of record etc. in Tennessee as set out in said note, and did confess judgment for the plaintiff and against the defendants and did authorize and direct the court in pursuance of the power given in said note to render judgment in favor of the plaintiff the said The Peoples Bank and against the defendants T.J. Cates principal, and D.M. Merdieth and T.M. Buchanan, surties for the amount of said not to wit the sum \$1141.10 and the interest thereon to this date in the sum of \$30.80 and the ten percent attorneys's fees provided in said note the sum of \$114.11 in all the sum of ~~in~~ Twelve Hundred and Eighty six deollars and the costs of this motion etc.

And in pursuance of such confession of judgment the court doth therefore order, to adjudge and decree that the plaintiff, The Peoples Bank recover of the defendants the said T.J. Cates Prim. am D.M. Merdith, and T.M. Buchanan the aforesaid sum of Twelve Hundred eighty Six dollars and the costs of this motion etc, for all of which execution will issue.

The Peoples Bank )  
vs. ) In the Circuit Court of Humphreys  
T.J. Cates Prim. )  
MER. Warren Sec. )  
W.C. Pace " )  
County, December term 1922.

Came this day December 14th, 1922 in open court W.D. King and present the following note to the Court.

4779 20. McEwen Team. Jan. 1 1922. Six months after date we or either of us promise to pay to the order of THE PEOPLES BANK Seven Hundred Seventy Nine & 20/100 Dollars for value received, at The Peoples Bank at McEwen Tennessee. Both Makers and endorsers to this note severally and jointly waive demand notice of non payment and protest In the event suit is brought upon this note, we bothmakers and endorsers, agree to pay 10 per-cent attorney's fee, to be included in the judgment rendered for collection of same and we, and each of us, both makers and endorsers, hereby authorize W.D. King or J.J.S. or either of them, at any time after the above note becomes due, to go before any Court of Record or before any Justice of the Peace having jurisdiction thereof in the State of Tennessee, and confess judgment thereof against us in favor of THE PEOPLES Bank of McEwen, Tennessee or assigns, for the said amount with interest and cost, and the 10 per cent attorney's fee, in accordance with the provision of Section 4705; 4706 and 4707. Code of Tennessee Shannon's Edition. T.J. Cates M.E. Warren W.C. Pace Surety. No. 3208/4779  
Jan 1, 22.

and through attorney moved the court for a judgment by confession on said note for the principal interest, ten percent attorney's fee and the costs of this motion in favor of the Peoples Bank and against the defendants the said T.J. Cates, M.E. Warren, and W.C. Pace, and it appearing to the satisfaction of the court that the said W.D. King is the same person so authorized in said note to confess judgment thereon, and that he in open court did confess and state and shew to the court that said note is past due owing and unpaid, and that the said makers of the said note the said defendants did execute the same, for value received, and did authorize in said note the said W.D. King to so confess judgment thereon before or in any court of record in this state of Tennessee as set out in said note, and did confess judgment for the plaintiff and against the said defendant and did authorize and direct the said court in pursuance to the powers given him and contained in said note to render judgment in favor of the plaintiff the said The Peoples Bank, and against the defendants the said T.J. Cates principal, and M.E. Warren, and W.C. Pace sureties for the amount of said note, to wit \$779.20 and the interest thereon to this date the sum of \$21.00 and the ten percent attorney's fee provided for in said note the sum of \$77.90 , in all the sum of Eight Hundred and Seventy eight dollar & 10 cents (\$878.10) and the costs of this motion etc.

And in pursuance of such ~~unfeigned~~ confession of such judgment, the court doth therefore order, adjudge and decree that the plaintiff The Peoples Bank recover of the defendants the said T.J. Cases principal Eight Hundred and Seventy Eight & 10/100 Dollars and the costs of this motion, for all of which execution will issue.

State of Tennessee )  
vs. ) B.D.  
Burnie Burns )

In this cause it appearing to the Court that the defendant was convicted at the last term of this court for illegal possession of intoxicating liquors and prayed an appeal to the Supreme Court but failed to perfect his appeal. It is there ordered by the court that said judgment be made final and that he pay or secure said fine of One Hundred Dollars and the costs of this cause, for which let execution issue and in the event of his failure to pay or secure said fine and costs he will be confined in the Humphreys County jail until the same is paid or worked out.

State of Tennessee )  
vs. ) Tippingling  
Brown Adams )

In this cause it is ordered by the Court, upon the defendant's securing the balance of the fine in this case and upon the payment of ten dollars per month execution will be suspended but upon his failure to meet any monthly payment execution will issue for all of said fine and costs unpaid

State of Tennessee )  
vs. ) Manufactureing liqour for the purpose of sale.  
Neily Imman )

In this cause it is ~~ordered~~ <sup>advised</sup> by the Court that upon defendant's securing the balance of the fine and cost in this case, and upon the payment of ten dollars per month, execution will be suspended but upon his failure to meet any monthly payment execution will issue for all of said fine and cost unpaid.



Minutes Circuit Court, Humphreys County, December Term, 14 day of December 1922

It appearing to the court that the Sheriff of Humphreys County has on hand intoxicating liquors captured and coming into his hands as such sheriff.

It is ordered by the court that said sheriff at once destroy all of such liquors.

State of Tennessee

vs. )  
Larceny  
Ed Prewett and )  
Alfred Lane )

In this cause comes the Attorney General for the State and the defendants in person and by attorney, who being duly charged and arraigned on said bill of indictment plead guilty to Petite Larceny. Thereupon came a jury of good and lawful men of Humphreys County to wit: G.W. Smith, Kineh May, M.J.L. McMaskins, George Merdeth, Jim Baugus, Tom Manor, C.S. Allison, J.M. Allison Bob Holland, Joe Brandon Frank Rochell and Jim Rumsey who being duly elected tried and sworn according to law after hearing the proof statement of counsel and the charge of the court, upon their oaths do say that they find the defendants guilty of Petite Larceny and recommended a term of six months in the County Jail for Alfred Lane and ten days in the County Jail for Ed Prewett, Whereupon the court for sufficient gave Alfred Lane his choice of serving six months in the Montgomery County Jail or taking a sentence to the Penitentiary for an indeterminate period of time of from one to five years and thereupon defendant, Alfred Lane stated in open court that he desired to to take a term in the State Prison. It is there ordered Adjudged and decreed by the Court that for the offense aforesaid the defendant Alfred Lane be confined in the State Penitentiary at Nashville, Tenn. at hard labor for an indeterminate period of time of not less than one year nor more than five years, and ~~that~~ it is ordered adjudged and decreed that the defendant Ed Prewett be confined in the County Jail of Humphreys County for a period of ten days and that they pay the cost of this cause for which let execution issue and in the event Ed Prewett fails to pay or secure said cost he will be further confined until the same is paid secured or worked out.

Defendants are also rendered infamous, disqualified to exercise the election franchise or give evidence in any of the Courts of this State.

~~Lizzie Rainey~~

For sufficient reason appearing to the Court, Mr. P.J. Fuqua of Humphreys County is appointed present Foreman of the Grand Jury for said County for a period of two years and he will report at the April Term of Court and be qualified as such Foreman and answer his duties.

Allen Rainey )  
vs. ) In the Circuit Court at Waverly, Tenn. Dec. Term 1922  
Lizzie Rainey )

In this cause on motion of the plaintiff, and it duly appearing to the Court that the defendant Lizzie Rainey has been regularly served with subpoena to answer complainant's bill and that defendant has failed to appear and make any defense to said bill within the time required by law.

It is therefore ordered that complainant's bill be taken as confessed and the cause set for hearing ex parte.

Minutes Circuit Court, Humphreys County, December Term, 14 day of December 1922

And thereupon this cause coming on to be further examined and finally heard before the Hon. W.L. Cook, Judge on this 14th. day of December 1922, upon the bill the judgment Pre-confesso hereto fore taken and entered against the defendant Lizzie Rainey from all of which it duly appearing to the court from the oral testimony taken in open court, and it satisfactorily appeared to the court from the proof that the facts charged in the bill are true that the defendant Lizzie Rainey had wilfully deserted complainant without a reasonable <sup>or just</sup> cause that defendant had committed adultery with one George Arnold numerous other parties after her marriage to complainant and before the filing of this bill as charged and, complainant gave defendant no just or reasonable cause for said ~~adultery~~ desertion or adulterous acts and has not condoned the same.

It is therefore ordered, adjudged and decreed by the court that the bonds of matrimony subsisting between the complainant Allen Rainey and defendant Lizzie Rainey be and is hereby absolutely and for ever dissolved and that complainant be vested with all the rights and privileges of an unmarried or single man. That complainant pay the cost of this suit for which execution may issue.

H.H. Ross )  
vs. ) In Circuit Court at Waverly Tenn.,  
Union Mercantile Co. )

This day came the parties and also came a jury of good and lawful men to wit: Stewart Strahle, J.F. Wood, Walter Anderson, John Carter, M.M. Anderson Molton Forest, J.D. Whitfield, Charely Trotter, Jess Peach, Faring White, Tom Gatlin and G.H. Dotson. who were duly sworn to try the issues joined between the parties, and who upon their oaths, do say that they find the issues in favor of the plaintiff H.H. Ross and assess his damages at One Hundred and Eighty (\$180.00) Dollars.

It is therefore considered that plaintiff H.H. Ross recover of the defendant Union Mercantile Company the said sum of \$180.00 and all the costs of this cause for which execution will issue.

It appearing that J.M. Spencer and J.Ben Fuqua & Roy Carter attorneys for the plaintiff are entitled to a lien upon said recovery for their reasonable attorneys it is therefore ordered and decreed on motion that a lien in their favor such service as such attorneys, is declared on said recovery etc. To all of which defendants excepts.

H.H. Ross )  
vs. ) In the Circuit Court of Humphreys County, December term 1922.  
Union Mercantile Co. )

#### MOTION FOR NEW TRIAL.

The Defendant came and moved the court for a new trial in the above styled cause, and for in support of its motion alleged the following grounds in support thereof, to wit:

#### I

The verdict of the jury was against the weight of the evidence.

#### II

The was no evidence to support the verdict found by the jury.

#### III

The was no evidence to support the verdict found by the jury and especially none to support it in finding that the seed sold to the Complainant was not Tenn. German millet seed.

#### IV.

The weight of the evidence greatly preponderate against the verdict of the jury.

V.

There was no proof of any crop or the amount thereof, made by any one that year-1920 of the amount of hay that was grown by any one from Genuine Tenn. German millet seed, on which to base a comparison by which and from which the damages claimed to have been suffered by the plaintiff could have been ascertained by comparison with the crop that he actually produced from the seed he sowed and that was sold to him by Defendant.

VII.

The court erred in refusing the defendants request that it charged the jury as follows: The plaintiff must have properly cultivated the crop in order to be entitled to a recovery, even if the warranty of the variety of seed were breached. If stock got into the crop and damaged it or if the weather prevented a good crop being made, plaintiff could not recover."

VII.

The court erred in affirmatively charging the jury as to the measure of damages as follows: "And recover such sum as would compensate for the loss disclosed by the proof, damages cannot exceed the amount laid in the warrant and declaration \$2500, and should be such sum as you from the proof would compensate him for the breach if there was one which would be the difference in the value of the crop if grown from German millet seed on the same land, and the crop as produced from the seed sold by defendant and used by the plaintiff- the measure of damages is arrived at by ascertaining from the proof the character amount and value of the crop that would have been produced from German millet had it been sown at the same time and place and under the same conditions, and by finding the value of the crop that was produced and find the difference which would be the damages you may assess as compensation" This was error because the uncontroverted evidence was that the plaintiffs crops matured one at 35 or 36 days after it was sown and the other one at from 60 to 65 days from the time it was sown, and the proof was uncontroverted that it took German millet ninety days from the time it is sown to date of its maturity, and there was no evidence to show what the weather conditions were between the maturity of plaintiffs crops sued for and the time that genuine german millet would have matured, and under this situation it was error to charge as above. The rule that under such circumstances being that the damage would be speculative, uncertain indefinite etc. and that no recovery could be had at all

VIII.

The court in charging affirmatively as follows: If there was no express warranty plaintiff could not recover as damages the difference between the crop EXPECTED from German millet and the crop produced from the seed sown"-- the error in this statement confused the jury by possibly letting them or giving them to understand that they might allow damages for the crop that plaintiff expected or thought he ought to have produced or might have produced, instead of confining them to a crop that must have been shown by the proof to have been produced that year under same conditions etc. of German millet and not have given the jury even by inference the idea that they could allow or find a recovery on or for what plaintiff expected etc.

IX.

The court erred in permitting the plaintiff over the objections of the defendant to testify that the defendant had paid some of its customers back for the seed it sold them, which such payment being under and by way of compromise with them, and this evidence must have influenced the jury in rendering a verdict against the defendant, and the court likewise in permitting other of the plaintiff witnesses to make similar statements, all being done over the objection of the defendant.

X.

Because the plaintiff had had his witness Hoke Coleman state before the jury that the manager of defendant Company to wit: S.J. Hudson had told him that if the plaintiff did get judgment against the defendant in this case that the people from whom they bought the seed in question would help to pay it. While this was ruled to be incompetent by the court, yet it was stated in the presence and hearing of the jury in direct response to a question asked by plaintiff's counsel, and was a matter of such prejudicial character as was calculated to and did affect the minds of the jury in the rendering of their verdict in this case.

Which said motion the court overruled and disallowed, to all of which the defendant excepts.

H.H. Ross

vs.

Union Mercantile Co.

In the Circuit Court of Humphreys County, December term 1922

The court having overruled the Defendant's motion for a new trial, it then moved the court in arrest of judgment on the verdict of the jury, which motion was likewise overruled and disallowed by the court.

H.H. Ross

vs.

Union Mercantile Co.

In the Circuit Court of Humphreys County, December term 1922

In this case the defendant appeared in open court through its attorneys after its motion for a new trial had been overruled by the court, and also his motion in arrest of judgment, and prayed an appeal in the nature of a writ of error from the judgment rendered against it in this cause to the next term of the Court of Civil Appeals for the middle division of the state sitting at Nashville, Tennessee, which appeal was granted on condition that the defendant make and file with the Clerk of this court an appeal bond as required by law in such cases, and on application of defendant and for sufficient cause appearing it is allowed thirty days from the adjournment of this court in which to execute and file said bond and in which to prepare and have filed its bill of exceptions in the case.

Minutes Circuit Court, Humphreys County, December Term, 14 day of December 1922

## SHERIFF AND JAILERS BOARD BILL

This day came into open court J.L. Smith Sheriff and Jailer of Humphreys County, Tenn., and present and read in open court his account against the State of Tennessee for boarding prisoners charged with felonies.

Which is as follows State Vs. Ray Turner Incest Aug. 22 1922 7 days \$52.25 2 T.K.  
\$2.00 Total \$7.25. State against Alfred Lane DeC. 18 1922 24 " \$18. 2 T.K.  
\$2.00 " \$20.00. 2 " Ed Prewett " " " \$18. 2 T.K.  
\$2.00 " \$20.00. 1 " Grady Bailey " " " \$18. 2 T.K.  
\$2.00 " \$20.00 Grand total \$67.25.

Which amount is allowed by the court, and ordered paid out of the State Treasury, and that the Clerk of this court make out and certify the same to the Comptroller as the law directs.

State of Tennessee

vs.

Murder

Dick Mayberry

Motion to retax cost

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 and decreed by the Court that the costs accrued upon the part of the State be allowed and paid out of the State Treasury and that the Clerk of this court make out and certify the same to the State Comptroller for payment as the law directs.

State of Tennessee

vs.

Manufacturing Liquor.

Brown Adams

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, as the law directs.

State of Tennessee

vs.

Drunkennes

Gelly Wright

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 insolvent and 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 accrued 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 the County Judge for payment as the law directs.

Minutes Circuit Court, Humphreys County, December Term, 14 day of December 1922

State of Tennessee

vs.

B.D.

Brown Adams

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 accrued 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.

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

One against Lee Ingram Drunkenness. Subpoena for the State Jack Mitchell, Clarence Mitchell

One against Walter Craft Drunkenness. Subpoena for the State Nettie Phelps, Loyd Rice Charlie Rice, G.P. Craft.

One against Chas. Work Disturbing whorship. Subpoena for the State Geo. Lee, John Stewart, Mrs. R.W. Smith, Knox Hooper, Mrs. John Lucas, Ella Hargrove, L.W. Smith, L.L. Haygood, Mrs. Claud Miller, Julia Curtis, Claud Hargrove.

One against Earl Trotter Drunkenness. Subpoena for the State Henry Hudson, Wilson Smith, J.W. Patterson, Lee Roy Patterson, J.E. Carrol

One against Walter Craft Disturbing whorship. Subpoena for the State Nettie Phelps, Loyd Rice, Charlie Rice, G.P. Craft.

One against Hal Davidson, B.D. Subpoena for the State Albert Capps, Mrs. Albert Capps, J.L. Smith.

One against Willel Morgan Drunkenness. Subpoena for the State Jack Mitchell, Clarence Mitchell.

One against Carl Vickrey. Drunkenness, Subpoena for the State Bruce Vickrey William Bass Cecil Hurt, Jack Mitchell,

One against Albert Waynick Drunkenness. Subpoena for the State Maggie Gray Alma Gray, Jno. Gray.

Drunkenness  
One against Tom Walls. Subpoena for the State Maggie Gray Alma Gray, Jno. Gray.

One against Albert Kimmons Drunkenness. Subpoena for the State J.W. Dunn, Hallie Rice, R.L. Tummins, Chas. Rice, Loyd Rice, Nettie Phelps, Macel Wolverton

One against Albert Kimmins. Disturbing whorship, Subpoena for the State J.W. Dunn, Hallie Rice, R.L. Tummins, Charlie Rice, Loyd Rice Nettie Phelps, Macel Wolverton.

One against J.Hugh McCann, Using Auto without license. Subpoena for the State L.L. Haygood, Mrs. L.L. Haygood, McKinley Lott.

One against C.O. Bradshaw A.B. Subpoena for the state Paul J. Baker, L.A. Wolverton, Jno. Chambers, Leslie Perry.

One against Jim Miller Jr. Jim Miller Sr. and Walter Miller. Disturbing whorship subpoena for the state Geo. Lee, Mrs. Geo. Lee Mrs. R.W. Smith, Mrs. Jno. Lucas, Ella Hargrove Mrs. Idea Peach Jess Peach, L.A. Cagle, W.M. Harris, Floyd Nix.

Minutes Circuit Court, Humphreys County, December Term, 14 day of December 1922

One against Burrel Wamamaker Drunkenness. Subpoena for the State Annie Wamamaker, Odie Hooper.

One against Mat Harreld. Drunkenness. Subpoena for the State Buster Morris Buddie Spann, E.O. Denalow, Pat Moore.

One against Geo. Sherrod disposing of mortgaged property, which indictment is in the words and figures following to wit.

STATE OF TENNESSEE, HUMPHREYS COUNTY, Dec. Term Circuit Court A.D. 1922. 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 Geo. T. Sherrod heretofore to wit, on the 1st. day of March 1922 in said county and State being the maker of a registered mortgage, duly executed to J.H. Curtis, on one red calf and one cow and executed to secure the said Curtis as surety for the said Geo. T. Sherrod on one note executed to Jess Byrn for the sum of eighty five dollars, unlawfully and feloniously did dispose of said cow and calf conveyed in and caused by the conveyance above set out, with the purpose of depriving him the said J.H. Curtis, the mortgagee, of the same as the proceeds thereof contrary to the statute and against the peace and dignity of the state. Jno. B. Bowman Attorney General. Dec. Term, 1922. THE STATE vs. Geo. T. Sherrod Disposing of Mortgaged property J.H. Curtis Prosecutor, subpoena for the State J.H. Curtis, Jno. T. Tate, Alvin Curtis, Jesse Byrn. Witnesses sworn by me on this indictment before the Grand Jury Dec. Term 1922 D.D. Collier Foreman Grand Jury. Jno. B. Bowman Attorney General. A TRUE BILL D.D. Collier, Foreman Grand Jury.

One against Amos Ewing col. Assault with intent to commit murder in the first degree which indictment is in the words and figure following to wit: STATE OF TENNESSEE, Humphreys County, Dec. Term of Circuit Court, A.D. 1922. 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 Amos Ewing col, of said County, heretofore, to wit on the 1st. day of Nov. 1922 with force and arms, in the county aforesaid, unlawfully, feloniously, willfully, deliberately, premeditatedly, and maliciously, did make an assault upon the body of one Sam Sago with ascertain shot gun with the unlawful and felonious intent, then and there, him the said Sam Sago col, unlawfully, feloniously, wilfully, 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. Dec. Term 1922. THE STATE vs. Amos Ewing col. Assault with intent to commit murder in the first degree. Sam Sago col, Prosecutor, Subpoena for the Sam Sago, col Annie Mays col. Witness sworn by me on this indictment before the Grand Jury Dec. Term 1922. D.D. Collier Foreman Grand Jury. Jno. B. Bowman Attorney General. A TRUE BILL D.D. Collier Foreman Grand Jury.

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

We have diligently inquire and true presentment made of all offenses given us 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 but additional bedding is needed at the jail.

Minutes Circuit Court, Humphreys County, December Term, 14 day of December 1922

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 except the Constable of bond of J.L. McMaskins which should be strengthened, and now having completed our labors we respectfully ask to be discharged for the term. D.D. Collier Foreman. P.J. Fuqua, I.H. Davis, W.R. Yates, M.M. Scholes, J.A. Forner, Geo. T. Moore, Geo. Hall A.A. Woods Chas Buchanan W.A. Totty, H.B. Bell Ike-----

State of Tennessee  
vs.  
Hal Davidson ) Manufacturing liquor

In this case came the Attorney General for the State, and the defendant in person and by attorney, and plead guilty as charged. Thereupon the court assess the penalty and say he shall pay a fine of Two Hundred and fifty Dollars together with all the costs, and be confined in the County Jail for a period of Ninety days and in the event of his failure to pay or secure said fine and costs, he will be further fined in the County Jail or work House until he pay secure or work out all of said fine and costs.

State of Tennessee ) and Battery.  
vs. ) Assault with intent to commit murder in the first  
Will and Mack Standridge ) degree

In this cause comes the Attorney General for the State and the defendant Mack Standridge in person and by attorneys, and also a jury of good and lawful men of Humphreys County, to wit, Alvin Curtis, J.T. Wood, M.J.L. McMaskins John Carter, C.B. Jones, George Larkins, G.H. Dotson, Bill Owens, Will Warden, R.P. Holland Stewart Strahle and J.R. Anderson, who were sworn according to law to well and truly try the issues joined between the State of Tennessee and defendant Mack Standridge on a charge of A.B. to which the defendant plead not guilty, and after hearing all the evidence the argument of counsel, and the charge of the court, upon their oaths do say that they cannot agree on a verdict in this case.

It is therefore ordered, adjudged and decreed by the court that the said jury be discharged, and a mistrial be entered and the case continued until the next term of this court, and the Attorney General comes and states to the court that he desired to prosecute this no further as to Will Standridge, It is therefore ordered by the court that the defendant Will standridged be discharged.

State of Tennessee )  
vs. )  
Henry Phebus ) Tippling. Procuring Liquor.

In this case came the Attorney General for the State and the defendant in person, and plead guilty to procuring liquor within four miles of a school house whereupon the court assess the penalty and say he shall pay a fine of ten dollars together with all the costs, and be confined in the county jail for a period of Ninety days but upon the recommendation of the Attorney General the said jail sentence is suspended. Then came into open court Mrs. M.A. Phebus, and Jno. W. Daniel and entered their names as sureties for all of said fines and cost.

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



Minutes Circuit Court, Humphreys County, December Term, 14 day of December 1922

State of Tennessee  
vs.  
Grady Stewart )

In this case came the Attorney General for the State and the defendant in person, and upon the recommendation of the Attorney General a Nolle-prosequi is entered in this case upon the defendant paying or securing the costs, and in the event of his failure to pay or secure said costs, he will be confined in the County jail or work house until the same is paid secured or worked out.

State of Tennessee  
vs.  
Homer Vaughn ) Tippling

In this case came the Attorney General for the State, and the defendant in person and by attorney, plead guilty to sellin liquor in four miles of a school house. Thereupon the court assess the penalty and say he shall pay a fine of One Hundred Dollars together with all the costs, and be confined in the County, jail for a peroid of thirty days, but said jail sentenc is suspended until next to ascertain whether Defendant has tuberculosis, and in the event of his failure to pay or secure said fine and costs, he will further confined in the county jail or work house until the same is paid secured or worked out

State of Tennessee  
vs.  
Homer Vaughn ) Tippling

In this case came the Attorney General for the State, and the defendant in person and by attorney, and plead guilty to selling liquor in four miles of a school house. Thereupon the court assess the penalty and say he shall pay a fine of One Hundred dollars together with all the costs, and be confined in the County, jail for a peroid of thirty days, but said jail sentenc is suspended until next term to ascertain whether Defendant has Tu-ber-culosis, and in the event of his failure to pay or secure said fine and cost, he will be further, in the County Jail or work house until the same is paid secured or worked out.

State of Tennessee  
vs.  
Jasper Smith ) Attachment

It appearing to the Court that the defendant was legally summoned to appaer before the court at this term and give evidence in the case od State against Floyd Nix and that he failed to do so.

Upon motion of the Attorney General an attachment will issue and he served on the defendant requiring him to appear at the next term of this court to show cause why he should not be held in contempt of this court.

Minutes Circuit Court, Humphreys County, December Term, 14 day of December 1922

The following cases were continued until next term of this court State of Tennessee vs. Waleter Miller Jim Miller Jr. H.A. Buchanan.

State of Tennessee  
vs.  
Perry Edwards et, al, )

In this case the Grand Jury return an indictment marked not a true bill. It is therefore ordered adjudged, and decreed by the court that the defendants be discharged and go hence without day.

State of Tennessee  
vs.  
Ed Sharpe ) Larceny

In this case the sentence heretofore imposed is suspended until next term of this court.

State of Tennessee  
vs.  
Wade Garrett ) Drunkenness

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

The following case were continued until the next term of this Court. Western Union Tel. Company Vs N.C. & St L. Ry. Huff-Bowen Co. vs. Mrs. Nannie C. Teas et, al, Talmage Mims vs. T.E. Ayers, J.W. Petty vs. Gordon Few. Eula Clement vs. Ben Mathews. W.S. Smith vs. R.R. Hatcher, C.E. Wood vs. M.G. Buchanan.

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.

Adline Chandler  
vs.  
Lewis Ross ) Condemnation

J.M. Gray, Justice of the Peace for Humphreys County, Tennessee, filed here in court the following papers.

Judgment  
Adline Chandler  
vs.  
Lewis Ross ) Before J.M. Gray J.P. for Humphreys County, Tennessee

On this day came the plaintiff and defendant, and agreed upon an amount owing to the plaintiff by the defendant as damages for certain matters, and whereupon the defendant Lewis Ross agreed for me to render judgment against him by confession for said amount in favor of said Adline Chandler. Therefore I render judgment in favor of the plaintiff Adline Chandler, and against the defendant Lewis Ross for the sum of Twenty five dollars and costs, for all of which execution will issue. This August 25, 1922. J.M. Gray Justice of the Peace for Humphreys County, Tennessee



Minutes Circuit Court, Humphreys County, December Term, 15 day of December 1922

## 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 tenements of Lewis  
Ross you cause to be made the sum of Twenty five Dollars and Cents, and costs of  
suit, to satisfy a judgment which Adline Chandler obtained before J.M. Gray, Justice of  
the Peace on the 26 day of August 1922, against the said Lewis Ross and such moneys  
when collected, pay to the said Adline Chandler.

Given under my hand and seal this 20 day of Sept. 1922. J.M. Gray J.P.

## Levy

Came to hand when issued and search being made -and no personal property found in my  
county on which to levy this execution, belonging to the defendant Lewis Ross, I hereby  
levy same on his undivided interest in the Bud Ross farm located in old ninth, new  
fourth district of Humphreys Co. Tenn. and bound generally as follows: On North by  
Crowellland South by Patterson, east by Ross, Crowder, and containing 15 -acres being  
interest descended to him from his father Bud Ross. R.P. Holland D.S.

Filed Oct. 17 1922 Albert Binkley Clerk,

And on motion of the plaintiff, it is ordered by the court, that the lands so levied  
upon be sold by the Sheriff of Humphreys County, to satisfy the aforesaid judgment  
of J.M. Gray J.P. in favor of the said Adline Chandler, and also the costs of this  
proceedings.

Court then adjourned until court in course.

*W. C. Cook Judge*

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 16th. day of April, it being the 3rd. Monday in said month, and the One Thousand  
Nine Hundred and Twenty Third year of our Lord and the One Hundred and Forty-eighth  
year of American independence, when no judge appeared the being a vacancy in the office  
it was agreed by the members of the Bar that a judge be selected from their members  
to open court and charge the Grand Jury, when the Hon. J.E. Tubb was elected special  
Judge and the court was opened in due form of law by J.L. Smith Sheriff of Humphreys  
County, Tenn. and by him was returned into open court a writ of Venire Facious show-  
-ing named persons were appointed by the County Court at its April term 1923 to appear  
and to serve as Jurors at this the present term of Court to wit: Charley Trotter,  
Charley Forest Scace Elswich, J.F. Gibbons, S.B. Parker, Grover Bass, E.S. Ellis, A.D.  
Butterfield E.L. Hassell, J.J. Moore, C.E. James, G.W. Dotson, R.J. Balthrop, John  
James, W.F. Sanders, Bill Fuqua, Walter Simpson, J.E. McCannless, Alvie Simpson, Jess  
Taylor, C.E. Pewitt, W.A. Hooper, Geo. T. Anderson, and John Brown, and it appearing  
to the court that the above named parties were regularly summoned by the sheriff of  
Humphreys County, and that Charley Forest Scace Elswich, J.J. Moore Bill Fuqua, and  
W.A. Hooper, were excused for cause and that out of said jurors so summoned and appear-  
-ing were drawn a Grand Jury to wit: Charley Trotter, S.B. Parker, C.E. James, G.W.  
Dotson, E.S. Ellis, John James, W.F. Sanders, Walter Simpson, J.E. McCannless, Jess

Minutes Circuit Court, Humphreys County, April Term, 16 day of April 1923

Taylor, C.E. Pewitt, and Geo T. Anderson, and P.J. Fuqua having been appointed ~~the~~  
Foreman of the Grand Jury at a former term of this court 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 their sworn officer J.A. Crowell a  
Deputy Sheriff of Humphreys County sworn according to law to attend them in considering  
indictments and presentments, and the jurors not called and selected on said jury were  
ordered to report to morrow morning at 9 o'clock.

State of Tennessee  
vs.  
Will Gunn ) Drunkenness.

This case is ordered by court dropped and place upon the retired  
docket.

In the following cases Alias Capiases was ordered issued for the defendants by the  
Court. State vs. John Davis Murder, State vs. Harold Gibbs, Carrying a pistol, State  
vs. Casey Parnell, State vs. Arthur Atchison, Drunkenness, State vs. Ernest Baker  
age of consent, State vs. Acre Cathey Drunkenness, State vs. Ellis Hooper Drunkenness  
State vs Ol Taylor Gaming. State vs. Willie Morgan Drunkenness.

State of Tennessee  
vs.  
Matt Harrell ) Drunkenness

In this case came the Attorney General for the State and the defend-  
-ant in person, and pled guilty as charged. Whereupon the court assess the penalty and  
say he shall pay a fine of five dollars to gether with all the costs, then came into  
open court Jesse L. Eyrn and enter his name as surety for all of said fine and costs  
It is therefore ordered adjudge and decreed by the court that the State of Tennessee  
recover of the defendant and his surety all of said fine and costs for which let  
execution issue.

State of Tennessee  
vs.  
Lee Ingram ) Drunkenness

In this cause 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, and in the  
event of his failure to pay or secure all of said fine and costs he will be confined  
in the County Jail until he pay secure or workout all of said fine costs.

State of Tennessee  
vs.  
Jim Miller et, al, ) D.W.

In this case came the Attorney General for the State and the defend-  
-ants in person and plead guilty as charged. Whereupon the court assess the penalty and  
say they shall pay a fine of twenty dollars each together with all the costs, then  
came into open court J.E. Sullivan and E.L. Hassell and entered their names as sureties  
for all of said fines and costs.

It is therefore ordered, adjudged and decreed by the court that the State of Tennessee  
recover of the defendants and thier sureties all of said fines and costs for which  
let execution issue.

Minutes Circuit Court, Humphreys County, April Term, 16 day of April 1923

State of Tennessee  
vs.  
Erl Trotter } Drunkenness

In this cause came the Attorney General for the State and the defendants father J.F. Trotter in person and entered a plea of guilty for the defendant. 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 J.F. Trotter and paid to the Clerk of this court all of said fine and costs.

It is therefore ordered by the court that the defendant go hence without day.

State of Tennessee  
vs.  
Carl Vickery } Drunkenness

In this cause came the Attorney General for the State and the defendant in person, and pled 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 go hence without day.

State of Tennessee  
vs.  
Burrell Warnamaker } Drunkenness

In this cause came the Attorney General for the State, and the defendant in person, and pled 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 go hence without day.

State of Tennessee  
vs.  
Albert Waynick } Drunkenness

In this cause came the Attorney General for the State and the defendant in person, and pled 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 fines and costs. It is therefore ordered by the court that the defendant go hence without day.

State of Tennessee  
vs.  
Boss Chronister } Drunkenness

In this cause came the Attorney General for the State, and the defendant in person and pled 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 W.M. Baker, G.A. Boatman, and R.P. Holland 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 from the defendant and his sureties all of said fine and costs for which let execution issue.

Minutes Circuit Court, Humphreys County, April Term, 16 day of April 1923

State of Tennessee  
vs.  
Boss Chronister } B.D.

In this cause came the Attorney General for the State and the defendant in person and pled guilty as charged. Whereupon the court assess the penalty and say he shall pay a fine of One Hundred dollars together with all the costs then came into open court W.M. Baker, G.A. Boatman, and R.P. Holland 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 and his sureties all of said fine and costs for which let execution issue.

This day the Grand Jury came into open court in a body and present an indictment against Lee Ingram et.al. for transporting liquor. Subpoena for the State Claud Lashlee D.B. McCann, George Nolan, and J.L. Smith.

Court then adjourned until to morrow morning at 9, o' clock,

-----Judge,

Court met pursuant to adjournment when the Hon. J.D.G. Morton, the Judge of the 9th. Judicial circuit was present and presiding but for sufficient reason having to return to Nashville said Judge left for Nashville whereupon the Bar legally selected and elected the Hon. J.E. Tubb, a practicing Attorney at this Bar, Special Judge.

Thereupon the said J.E. Tubb, took the oath of office as required by law and proceeded to discharge of his duties, where upon the following men previously legally summons were duly elected, tried and sworn as Pettit Jurors Scafe Elawich, J.F. Gobbons, Grover Bass, A.D. Butterfield, E.L. Hasell, R.J. Balthrop, Alvia Simpson, and John Brown, and the following proceedings were had.

STATE OF TENNESSEE EXECUTIVE CHAMBER. TO ALL WHO SHALL SEE THESE PRESENTS GREETING KNOW YE, THAT WHEREAS, Under authority in me vested as Governor of Tennessee, to appoint Judges and a vacancy in the Ninth Judicial circuit caused by the resignation of Judge W.L. Cook, and having confidence in the ability and integrity of J.D. G. Morton. Now therefore I Austin Peay, Governor of the State of Tennessee, by virtue of the authority in me vested, do commission J.D.G. Morton, to fill said office of Judge of the Ninth Judicial Circuit until the next general election, agreeable to the constitution and laws, during the term, with all the powers, privileges and emoluments thereunto, appertaining to law. In testimony thereof, I Austin Peay, Governor as aforesaid, have hereunto set my hand and caused the great seal of the state to be affixed at the department in Nashville on this Sixteenth day of April A.D. 1923.

Austin Peat Governor.

E.N. Haston, Secretary of State.

State of Tennessee  
vs.  
Dock Forester and  
Geo. Abbott } Lar ceny and concealing stolen property.

In this cause comes the Attorney General for the State and the defendants in person and by attorneys who being duly charged and arraigned on said bill of indictment, plead not guilty.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tenn., to wit: W.H. Knight, M.C. Mims, G.G. Jarrell, A.E. Heard, Oscar Smith, Alvia Simpson, W.A. Sanders, Sace Elswich, Grover Bass, C.E. Moore, Ed Work, and Walter Anderson who being duly elected, tried and sworn according to law, after hearing all the evidence the defendant Geo. Abbott, withdrew his plea of not guilty and entered a plea of guilty to the first count of said indictment, thereupon the argument of counsel and the charge of the court was heard and the jury, upon their oath, do say they find the defendant Geo. Abbott guilty as charged in the first count of said indictment and fix his maximum sentence at one year in the state penitentiary and find the defendant Dock Forester guilty under the second count of said indictment and fix his maximum term at two years in the state Penitentiary.

It is therefore ordered, adjudged and decreed by the court that the defendant, Geo. Abbott, for the offense as found by the jury be confined in the state penitentiary at Nashville, Tenn. at hard labor for a minimum period of not less than one year and the defendant, Dock Forester, for the offense as found by the jury be confined in the state penitentiary at Nashville Tenn., at hard labor for and indeterminate period of time of not less than one year and a maximum period of time of not more than two years and that they pay the costs of this cause for which let execution issue.

It is further ordered by the court that each of said defendants be and they are hereby rendered infamous, disqualified to vote or give evidence in any of the Courts of this State.

State of Tennessee  
vs. )  
Walter Miller ( B.D.

In this cause came the Attorney General for the State and states to the Court that he desires to prosecute this case no further.

It is therefore ordered adjudged and decreed by the court, that the defendant be dismissed, and go hence without day.

State of Tennessee )  
vs. ) Drunkenness  
Durant Forest )

In this cause 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 and the costs, then came into open court J.L. Smith and entered J.G. Forest 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 costs for which let execution issue.

State of Tennessee )  
vs. ) D.W.  
Durant Forest et, al, )

In this cause comes the Attorney General for the State and the defendant Durant forest in person and plead guilty as charged, thereupon the Court assess the penalty and say he shall pay a fine of twenty dollars together with all the costs, then came into open court J.L. Smith and entered J.G. Forest's 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 Durant forest and his surety all of said fine and costs

for which let execution issue, and it is further ordered by the court that Alias Capias issue for the defendant Harold Gibbs.

The following cases were continued by consent. State vs. H.A. Buchanan, Lasceny State vs. Boby Lawrence Tippling. State vs. Mack Standridge A.B. State vs. Grady Turner Age consent, State vs. Ed Sharp. Larceny State vs. C.G. Baugus et, al, Manufactureing Liquor, State vs. Frank Young, A.B. State vs. George Sherrod Selling mortgage Property State vs. Amos Ewing Assault with intent to commit murder in the first degree. State vs. Ches Phebus, B.D. State vs. Ches Phebus, B.D. State vs. Rob er Parker possessing liquor.

The following cases were continued by the defendant State vs Ernest Phebus B.D. State vs. Ernest Phebus Tippling State vs. Ernest Phebus B.D.

State of Tennessee  
vs. ) Drunkenness  
Raymond Wyatt )

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 into open court J.H. Buchanan, Charlie Townsend, and E.C. Curtis and enter their names as sureties for all of said fine 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 costs for which let execution issue

State of Tennessee  
vs. ) D.W.  
Charles Work )

In this case came the Attorney General for the State and the defendant in person and plead guilty as charged. Thereupon the court assess the penalty and say he shall pay a fine of twenty dollars together with all the costs, then came into open court T.F. Merdieth and entered his 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 costs for which let execution issue

State of Tennessee  
vs. ) Illegal voting  
A.L. Beacham )

In this cause comes the Attorney General for the state and the defendant in person and by attorney, and also a jury of good and lawfull men of Humphreys County, to wit: G.G. Jarrell , A.E. Heard, Alvia Simpson, Sace Elswich, Grover Bass Ed Work, Jess Taylor, R.J. Blithrop, J.G. Luff, Sam Harbison, J.M. Gray A.D. Butterfield. who were sworn according to law to well and truly try the issues joined between the state of Tennessee and the defendant A.L. Beacham, on a charge of illegal voting to which the defendant plead not guilty, and after hearing all the evidence the argument of counsel and the charge of the court, upon thier oath do say that they cannot agree upon a verdict in this case.

It is therefore ordered adjudged and decreed by the court that the said jury be discharged and a mistrial be entered and the case continued until the next term of this court.

Minutes Circuit Court, Humphreys County, April Term, 17 day of April, 1923

State of Tennessee,  
vs. Failure to work road  
W.D. Cochran

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

One against Dock Forrester et al, which indictment is in the words and figures following to wit: STATE OF TENNESSEE, HUMPHREYS COUNTY. Apr. Term of Circuit Court, A.D. 1923. 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 Dock Forrester and Geo Abbott of said County, heretofore to wit, on the 7th. day of April 1923, in the County aforesaid, unlawfully and feloniously did steal, take and carry away one hog of the value of thirty Dollars, the property of W.A. Brown of said County, then and there being found, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State. Jno. B. Bowman Attorney General. And the Grand Jurors aforesaid, upon their oath aforesaid, do further present that the said Dock Forrester and Geo. Abbott of said County, on the day and year aforesaid, in the County aforesaid, unlawfully and feloniously did receive, buy, conceal, and aid in concealing said hog of the value of thirty Dollars, the property of W.A. Brown, of said County, before then feloniously stolen, taken and carried away by some one, to the Grand Jury unknown, they the said Dock Forrester and Geo. Abbott then and there knowing the said hog to have been feloniously stolen, taken, and carried away, and the that said Dock Forrester and Geo Abbott intending then and there fraudulently to deprive the owner thereof, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State. Jno. B. Bowman Attorney General. Apr. Term 1923 THE STATE vs. Dock Forrester et al, W.A. Brown Prosecutor. Subpoena for the State W.A. Brown Bob Grimes L.D. Copley J.L. Smith Ben Smith Dave Mays Col. Witnesses sworn by me on this indictment before the Grand Jury Apr. Term 1923. P.J. Fuqua Foreman Grand Jury Jno. B. Bowman Attorney-General A TRUE BILL P.J. Fuqua Foreman Grand Jury.

One against Lee Ingram Don Ingram, Roy Ingram and Henry Bell Transporting liquor Subpoena for the State J.L. Smith, D.B. McCann, Geo. Nolan and Claud Lashlee.

One against Frank Young Carrying a pistol Subpoena for the State J.L. Smith and R.L. Spann.

One against W.H. McAdoo, carrying a pistol Subpoena for the State Jno. Crowell and J.L. Smith.

One against Jess Parker Tippling Subpoena for the State Roy Ingram, Henry Bell Don Ingram, Lee Ingram, J.L. Smith, and Ben Smith,

One against Jess Parker M-Liquor Subpoena for the State Roy Ingram, Don Ingram Henry Bell, Lee Ingram, J.L. Smith, Ben Smith.

One against Jess Parker et al, B.D. Subpoena for the state J.L. Smith and Buddie Spann.

One against Robt. Parker B.D. Subpoena for the state J.L. Smith, Buddie Spann and Ben Smith.

Court adjourned until tomorrow morning at 9 o'clock,

-----Judge.

Minutes Circuit Court, Humphreys County, April Term, 18 day of April, 1923

Court met pursuant to adjournment present and presiding the Hon. J.E. Tubb Judge etc.

J.E. Mathis )  
vs. ) In Circuit Court, Waverly Tenn.,  
W.M. Murrell )

In this cause upon motion of plaintiff, the depositions of Dr. G.R. White and Dr. C.E. Corde of Nashville Tennessee, may be taken by plaintiff at any time before the next term of this court upon ten days notice of the taking thereof served upon J.B. Fuqua or F.H. Hall attys for the defendant.

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

One against Carley Brazzel and Perry Edwards Larceny, which indictment is in the words and figures following to wit: STATE OF TENNESSEE, HUMPHREYS COUNTY. Apr. Term of Circuit Court, A.D. 1923. 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 Carley Brazzel and Perry Edwards of said County, heretofore to wit, on the 28th. day of Aug. 1922, in the County aforesaid, unlawfully and feloniously did steal, take and carry away one horse and saddle of the value of one hundred and eighty Dollars, the property of A.J. Luffman of said County, then and there being found, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State Jno. B. Bowman Attorney General. And the Grand Jurors aforesaid, upon their oath aforesaid, do further present that the said Carley Brazzel and Perry Edwards of said County, on the day and year aforesaid, in the county aforesaid, unlawfully and feloniously did receive, buy conceal, and aid in concealing one horse and one saddle of the value of One Hundred and eighty Dollars, the property of A.J. Luffman of said County, before then feloniously stolen, taken and carried away by some one, to the Grand Jury unknown, they the said Carley Brazzel and Perry Edwards then and there knowing the said horse and saddle to have been feloniously stolen, taken and carried away, and they the said Carley Brazzel, and Perry Edwards intending then and there fraudulently to deprive the owner thereof, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State

Jno. B. Bowman Attorney General.

Apr. Term, 1923. THE STATE vs. Carley Brazzel et al, Larceny A.J. Luffman Prosecutor Subpoena for the State A.J. Luffman, Berry Slaughter, Will Oakley Col. Clara Roberts Wesley Brazzel P.B. Beasley, Witnesses sworn by me on this indictment before the Grand Jury, April Term 1923 P.J. Fuqua Foreman Grand Jury. Jno. B. Bowman Attorney General. A TRUE BILL P.J. Fuqua Foreman Grand Jury.

One against Frank Young Carrying a pistol. Subpoena for the State R.L. Spann and J.L. Smith.

One against J.E. Sullivan Drunkenness. Subpoena for the State Buddie Spann and Jno. Phillips.

One against J.T. Wills Drunkenness Subpoena for the state A. Baker, and C.H. Baker.

One against Mitch Smith drunkenness J.P. Houseman Mrs. J.P. Houseman Josh Triplett, and Lucian Stockard.

One against Geo. O. Guin drunkenness subpoena for the state Lee Parker, Jewell Allison, and Nat Scholes.

One against Herman Dotson Cruelty to animals. subpoena for the Pat Nolan Jno. T. Nolan Terry Lagan Myrtle Berryman

Oners against Henry, Jones et al, B.D. Subpoena for the State J.L. Smith, Buddie Spann and Henry Harris.

## GRAND JURY REPORT.

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

We have true presentment made of all offenses brought to our knowledge.

We have visited the County Jail and Poor House and find the prisoners and inmates well fed and cared for, a sewer pipe at the jail should be repaired at once. The order is bad. The porch roof and gutter pipe at the Poor House should be repaired.

We have examined all bonds required of us to be examined by us and find them properly executed and good and solvent for the several amounts thereof and now having completed our labors we respectfully asked to be discharged for the term. This Apr. 18th. 1923.

P.F. Fuqua, Chas Trotter, S.B. Parker E.S. Elswich, C.E. James, T.W. Dotson John James W.F. Sanders, Walter Simpson, J.E. McCannless, Jess Taylor, and George T. Anderson. C.E. Hewitt.

State of Tennessee )  
vs. ) B.D.  
Lee Ingram et al, )

In this case came the Attorney General for the state and the defendants Lee Ingram Roy Ingram Don Ingram, and Henry Bell and plead guilty as charged whereupon the court assess the penalty and they shall a fine of One hundred Dollars each together with all the costs, then came B.P. McNabb and enter his name as surety for all said fines and costs as to Lee Ingram Roy Ingram and Henry Bell.

It is therefore ordered adjudged and decreed by the court that the state of Tennessee recover of the defendants Lee Ingram, Roy Ingram and Henry Bell all of said fines and costs as to the aforesaid defendants for which let execution, then came into open court Lee Ingram and B.P. McNabb and entered their names as sureties for the fine and as to Don Ingram.

It is therefore ordered adjudged and decreed by the court that the State of Tennessee recover the defendant Don Ingram and his sureties all said fine and costs as the defendant Don Ingram, for which let execution issue.

State of Tennessee )  
vs. ) Carrying a pistol  
W.H. McAdoo )

In this cause 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 fifty dollars together with all the costs, then came into open court J.L. Smith and entered G.W. Turner's 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 costs for which let execution issue.

## SHERIFFS BOARD BILL FOR BOARDING CHARGED, WIT FELONIES

This day came into open court J.L. Smith Sheriff of Humphreys County, Tennessee, present and read in open court his account against the State of Tennessee, for for keepin prisoners charged with felonies, which account is as follows.

State of Tennessee against Dock Forester and Geo. Abbott, Larceny

Dock Forester	from April 8th 1923 to April 21 1923	\$10.00	2 Turn Keys	\$2.00	\$12.00
Geo. Abbott	" " " " " " " "	\$10.00	" " " "	\$2.00	\$12.00
					\$25.00

State of Tennessee )  
vs. ) Larceny  
Grady Bailey et al, ) motion to retax costs

In this cause came the Attorney General for the State, and him 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 state Treasury, and that Clerk of this court make out and certify the same to the Comptroller for payment as the law directs.

State of Tennessee )  
vs. ) Carrying a pistol  
Frank Young )

In this cause comes 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 Fifty 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 until he pay secure or workout all of said and costs.

State of Tennessee )  
vs. ) Possessing  
Jess and Fred Parker ) Manufacturing liquor

In this case the Attorney General comes and states to the court that he desires to prosecute this case no further. It is therefore ordered adjudged and decreed by the court that the defendant be discharged, and the case is continued as to Fred Parker.

State of Tennessee )  
vs. ) Manufacturing liquor.  
Jess Parker )

In this cause comes 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 fine of Two Hundred and Fifty Dollars and be confined in the County Jail for a period of 90 days, and that he pay the costs of this cause, and in the event of his failure to pay or secure said fine and costs he will be confined in the County Jail until he pay secure or work out all of said fine and costs.



State of Tennessee  
vs. ) Tippling  
Jess Parker )

In this cause comes 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 One Hundred Dollars and be confined in the County Jail for a period of Thirty days, and that he pay the costs of this case, and in the event of his failure to pay or secure said fine and costs he will be confined in the County Jail until he pay secure or work out all of said fine and costs.

State of Tennessee  
vs. ) Drunkenness  
Hurbert Sykes )

It appearing to the court that the defendant is dead. It is ordered by the that the case be stricken from the docket.

State of Tennessee  
vs. ) Drunkenness  
Floyd Nix )

In this case upon recommendation of the Attorney General, a nolleprosequi is entered upon the payment of costs, and in the event of his failure to pay or secure said costs, he will be confined in the County, Jail until he pay secure or work out all of said costs.

State of Tennessee  
vs. ) Drunkenness  
Walter Miller )

In this case upon recommendation of the Attorney General, a nolleprosequi is entered upon the payment of costs, and in the event of his failure to pay or secure said costs, he will be confined in the County, Jail until he pay secure or work out all of said costs.

State of Tennessee  
vs. ) Drunkenness  
Jim Miller Jr. )

In this case upon recommendation of the Attorney General, a nolleprosequi is entered upon the payment of costs, and in the event of his failure to pay or secure said costs he will be confined in the County, Jail until he pay secure, or work out all of said costs

State of Tennessee  
vs. ) A.B.  
C. O. Bradshaw )

State of Tennessee  
vs. ) B.D.  
Hal Davidson )

The two above styled cases are continued on pleas of guilty.

H.E. Haley  
vs. ) In Circuit Court Humphreys County, Tenn. April term 1923.  
J.E. Sullivan & )  
J.L. Smith )

Comes the Defendant J.E. Sullivan by attorney and moves the court to dismiss or quash the writ of Certorari and supersedeas in granted in the above styled cause, because.

## I

The petition itself shows that the cause was set for trial before the Justice of the Peace on a certain day, and that the case shows judgment was rendered on that day against the petitioner W.E. Haley and that said Haley was not present, that he knew the case was set for trial on that date and that said Haley cannot shift his duty to attend such trial on to the Justice of the Peace requiring him to notify said Haley when whether when the case would be tried, and therefore shows that Haley was negligent in not attending the trial on the day set-- it was Haleys duty to attend said trial and he shows no reasonable excuse for not attending the trial and prosecuting his case as is required of litigants under the law.

## II

Defendant denies the allegation in the petition to the effect that the judgment was given on a day later than the first Monday in March 1923 ( the day said case was set for trial) the same having been given on the exact day the case was set for trial to wit the first Monday in March 1923. The defendant therefore asked that the writ granted be dismissed on the first ground set out above, and that he be permitted to introduce proof to sustain the second ground set out, and that said petitioner be required to substantiate the facts denied and put in issue in his second ground here for the ~~damni~~ dismissal etc. J.F. Shannon Attys. for J.E. Sullivan.

Thereupon by consent said motion was continued to next term of court the special judge holding the term of court being employed to pass upon the matter by reason of being of counsel for one of the parties.

State of Tennessee  
vs. ) Attachment for witness  
Jasper Smith )

This case is by the court dismissed at the costs of the defendant, and in the event of his failure to pay or secure said costs he will be confined in the County Jail until he pay secure or work out of said costs.

The following cases were continued until next term of this court. J.W. Petty vs Gordon Few. W.K. Pirtle & Co. vs. Sam G. Jones and Hattie C. Jones. J.P. Coven & Co. vs. N.C. & St. L. R.R. W.C. Turner, as next friend of G.B. Turner, vs. C.C. Patterson et al, C.E. Woods vs. M.G. Buchanan, Walter Blazer vs. John Durham J. Rich Moore vs. H.M. Sykes Berry M ayberry vs. Mrs. Annie Parks, Byrd Mayberry vs. Mrs. Annie Parks, Tom Adams vs. Mrs. Annie Parks. J.T. Wills vs. J.M. Gray, W.C. Pace vs. J.L. Smith Sheriff Britt Davis vs. George Jones & Harris Hooper,

The Following cases were continued until the next of this court by consent. Eula Clements vs. Ben Mathews, W.S. Smith vs. R.R. Hatcher,

Minutes Circuit Court, Humphreys County, April Term, 18 day of April 1923

State of Tennessee

vs.

Cogy Hogin col.

Assault with intent to commit murder in the first degree.

In this case came the Attorney General for the state, and it appearing to court that this defendant was indicted at a former term of this court for the offense of Assault with intent to commit murder in the first degree, and that said defendant was arrested and entered into bond with R.L. Porch, J.D. Porch, W.O. Nelson, Jim Cooley and Frank Spicer as his sureties, which bond is in the words and figures following to wit. STATE OF TENNESSEE, HUMPHREYS COUNTY. We, Cogy Hogin agree to pay the State of Tennessee One Thousand Dollars unless the said Cogy Hogin appear Tuesday April 18, 1922 Circuit Court of said County, and from term to term until the case is finally disposed of, to answer for the offense of----- and does not depart the court without leave.

Witness our hands, this the----- of ----- Cogy Hogin, R.T. Porch, J.D. Porch, W.O. Nelson, Jim Cooley Frank Spicer. Approved J.L. Smith Sheriff. And the defendant Cogy Hogin being solemnly called to come into open court and answer the state of Tennessee upon a charge of assault with intent to commit murder in the first degree came not but made default and the said R.T. Porch, J.D. Porch, W.O. Nelson, Jim Cooley, and Frank Spicer were called to come into court and bring with them the body of the said Cogy Hogin according to the tenor and effect of their said bond came not but made default neither came the defendant Cogy Hogin nor his said sureties but made default.

It is therefore considered by the court that the defendant Cogy Hogin, and R.T. Porch, J.D. Porch, W.O. Nelson, Jim Cooley and Frank Spicer for their said default do forfeit and pay unto the State of Tennessee the said sum of One Thousand Dollars according to the tenor and effect of their 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 this judgment should not be made final. And further that ALIAS CAPIAS issue for the defendant

State of Tennessee,

vs.

Tom Will

Drunkenness

In this cause comes the Attorney General for the State, and it appearing to the court that the defendant was indicted at a former term of the court for the offense of drunkenness, and that said defendant was arrested and entered into bond with Barnett Peeler, and D.C. Stringer as his sureties, which bond is in the word and figures following to wit, STATE OF TENNESSEE, HUMPHREYS COUNTY, We, Tom wells and agree to pay to the State of Tennessee Two Hundred & Fifty (\$250.00) Dollars unless the said Tom Wells 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 3rd. Monday in April 1923, on Tuesday of said term, to answer the State of Tennessee for the offense of drunkenness and do not depart the court without leave. J.T. Wells Barnett Peeler and D.C. Stringer. Approved J.L.M. Smith Sheriff. This 4th. day of Jan. 1923. And the defendant Tom Wells being solemnly called to come into open court and answer the State of Tennessee upon a charge of drunkenness came not but made default, and the said Barnett Peeler and D.C. Stringer were called to come into open court and bring with them the body of the said Tom Wells according to the tenor and effect of their

Minutes Circuit Court, Humphreys County, April Term, 18 day of April 1923

bond came not but made default neither came the defendant Tom Wells nor his said sureties but made default.

It is therefore considered by the court that the defendant Tom Wells and Barnett Peeler D.C. Stringer do forfeit and pay to the State of Tennessee the said sum of Two Hundred and Fifty Dollars according to the tenor and effect of their said bond.

And it is further ordered by the court that Sci. Fa. Issue to the said defendant Tom Wells and his 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 to morrow morning at 9, o'clock.

-----Judge

Court met pursuant to adjournment present and preside the Hon. J.E. Tubbs, Judge, etc.

State of Tennessee

vs.

Wade Garrett

Drunkenness

In this cause comes 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 drunkenness, and that said defendant was arrested and entered into bond with Mrs. R.L. Garrett, and Raymond Garrett as his sureties which bond is in the words and figures following to wit, State of Tennessee, Humphreys, County. We, Wade Garrett agree to pay the State of Tennessee Two Hundred & Fifty (\$250.00) Dollars unless the said Wade Garrett 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 2 Monday 1st Dec. 1922 on Tuesday of said term, to answer the State of Tennessee for the offense of drunkenness and do not depart the Court without leave. Wade Garrett, Principal, Mrs. R.L. Garrett, Surety, Raymon Garrett, Surety. Approved-----Sheriff. This---- day of-----1921. By C.O. Bradshaw. Deputy. and the defendant Wade Garrett, being solemnly called to come into open court and answer the State of Tennessee upon a charge of drunkenness came not but made default and the said Mrs. R.L. Garrett, and Rayman Garrett were called to come into open court and bring with them the body of the said Wade Garrett according to the tenor and effect of their said bond came not but made default neither came the defendant Wade Garrett nor his said sureties but made default.

It is therefore considered by the court that the defendant Wade Garrett, and Mrs. R.L. Garrett, and Rayman Garrett for their 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 their said bond.

And it is further ordered by the court that Sci. Fa. Issue to the said defendant and his 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 Issue for the defendant.

State of Tennessee )  
vs. ) Drunkenness  
Albert Kimmons )

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 into open court W.D. King 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 discharged, and go hence without day.

State of Tennessee )  
vs. ) Disturbing worship  
Albert Kimmons )

In this case came the Attorney General for the state and the defendant in person and plead guilty as charged thereupon the court assess the penalty and say he shall pay a fine of twenty dollars together with all the costs, then came into open court W.D. King 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 discharged, and go hence without day.

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

-----  
Judge

Court met pursuant to adjournment, present and presiding the Hon. J.E. Tubb Judge etc.

Luther Durham )  
vs. ) Petition for divorce.  
Minnie Durham )

In this cause comes comp. moves the Court for a judgment Proconfesso against the defendant Minnie Durham, and it appearing to the court that the said Minnie Durham is duly in court by acknowledgement of process requiring her to appear and defend a suit filed against her for divorce, on the 3rd. Monday in April, and that she acknowledged has failed to make any defense to comp. bill as required by law. It is therefore ordered by the Court that said bill be taken as confessed and the cause set for hearing ex parte, and this cause coming on to be further and finally heard this 21st. day of April 1923 before the Hon. J.E. Tubb Special Judge holding this term of court at Waverly, Tenn., upon the bill of comp, Luther Durham and the proconfesso heretofore entered against the defendant and the oral proof of the witnesses examined in open court. And it satisfactory appeared to the Court from all the proof that the facts charged in the bill are true, the defendant had committed adultery with one Ted Wilson and other as charged in the bill, that the defendant is a notoriously lewd bawdy woman unchast, and that complainant gave defendant no cause for her said conduct and has not condoned in same.

It is therefore ordered adjudged and decreed by the court that the bonds of matrimony subsisting between complainant and defendant be and the same is hereby forever dissolved and that complainant have all the rights and privileges of a single or unmarried man. And complainant pay the costs of this cause for let execution issue.

Court then adjourned until court in course.

-----  
Judge.

Orders made at chambers by Judge, J.D. G Morton, since the last term of said Court.

J.A. Gray )  
vs. ) In Circuit Court at Waverly, Tennessee.  
Willien B. Gray )

This cause came on for hearing in the Courthouse at Gallatin, Tennessee on June 22, 1923 at 9 o'clock, before Honorable J.D.G. Morton, Judge of the Ninth Judicial Circuit at Chambers, upon the following motion.

J.A. Gray )  
vs. )  
Willien B. Gray )  
Mess Shannon & Tubb  
Mess Fuqua & Carter.  
Mr. J.A. Gray,  
Waverly, Tennessee.

You are notified that on Friday, June 22nd. 1923, at 9 o'clock, in the Circuit Court Room, at Gallatin, Tennessee, the defendant, Willien B. Gray, through her Counsel, will move the Court, at Chambers, to modify the decree heretofore entered in this cause, in reference to the custody of the child, J.A. Gray, Jr., and will move the court to extend the period of time which the custody of J.A. Gray, Jr. may be given to the said Willien B. Gray during the year, from one month to three months, during the vacation period. Petitioner will make this motion upon the ground that she is amply able to provide a comfortable home for her son, and to look after him as long as the Court will permit her to have him visit her.

Willien B. Gray by Keeble & Seay  
Jno. E. Garner Attorneys.

And thereupon Defendant Willien B. moved to amend said motion as follows:  
June 11, 1923.

On motion of defendant on June 22- 1923, the above motion is amended by leave of the Court as follows Defendant will move the Court also to reduce the bond required under the former decree of this Court from \$5000.00 to \$2000.00 for the proper return of the child to the custody of the father in accordance with the decree of the Court heretofore rendered, plaintiff excepted to the allowance of said amendment, which exception by the court was overruled, to which action of the Court the Plaintiff excepted. Thereupon came the plaintiff and moved the Court to disallow Defendants application upon the following grounds:

J.A. Gray )  
vs. ) In the Circuit Court for Humphreys County, at Waverly, Tenn.,  
Willien B. Gray )

In this case the plaintiff moves the court to disallow the defendant's application for a hearing in this case upon the motion, and that said motion be stricken from the files on the following grounds:

1st.

Because the notice of the hearing of the application of the defendant to be held in the Circuit court room at Gallatin, Tenn., at chambers, does not state before what court, such motion is to be made nor does it state what court nor in what county the above styled suit is pending.

2nd.

The record in said styled case discloses the fact that said suit was brought in the Circuit court of Humphreys County, Tenn., and the record fails to show that the hearing

at Gallatin, Tenn., on June 22nd. 1923, is by consent of the parties to the said lawsuit, and that said hearing being set at Gallatin, Tenn., that being a point not in Humphreys County, Tenn., and not being shown that consent has been given for such a hearing outside of said Humphreys County, Tenn.,

3rd.

The record in said cause shows that an appeal from the final decree therein rendered in Humphreys County, Tenn., was taken by the defendant and the case taken by appeal to the court of civil appeals sitting at Nashville, Tenn., and the record fails to show any remandment of said case from said court of civil appeals to the circuit court of Humphreys County.

4th.

Because it does not appear from the record that the defendant has given any cost bond to cover the costs incident to the proceedings under said motion.

5th.

Because the court is without jurisdiction to try the question raised and presented by the motion at this time and at chambers at Gallatin, Tenn., a point outside of Humphreys County:

6th.

Because circuit courts are without jurisdiction to hear and determine causes except at their regular terms of court and in the county where the suit is pending

7th.

Because the notice sent out as to the hearing of this matter states that Petitioner will make application for a writ of habeas corpus and that she is amply able to provide a comfortable home for her son and to look after him as long as the court will permit her to have visit her." This being the only ground disclosed in the notice upon which relief will be asked and the record in the cause, to wit: The bill of exceptions containing all the proof in the cause on its final hearing in the circuit court of Humphreys County, Tenn., disclosed the fact that the said defendant together with a lot of her relatives testified that she would be able with their aid and help to provide for the child in question all the time, and this motion does not make any showing of any superior ability at this time to care for the boy than was shown on the trial of the case in said circuit court of Humphreys County, Tenn., in August, 1922, and the question raised by the motion has already been adjudicated by the court. This motion the Court was pleased to overrule and to which action of the court, Plaintiff excepted. Thereupon Plaintiff presented to the Court, pleas Nos. 2 and 3 excepting to the hearing of the Court upon the grounds therein set out as follows:

J.A. Gray  
vs. ) In the Circuit Court for Humphreys County, Tenn.,  
Willien B. Gray )

The plaintiff for plea to the motion of the defendant in the above styled causes states: That the above styled suit was a suit instituted in the Circuit court of Humphreys County, Tenn., and that the court is without jurisdiction to try the motion or enter any action thereon at chambers in Gallatin, Tenn., because Gallatin, Tenn., is not in Humphreys County, Tenn., is not in Humphreys County, Tenn., where said suit was instituted and because the plaintiff has not given his consent for said matter to be heard at chambers at Gallatin, Tenn., on June 22nd. 1923 nor any other date nor has he authorized any one for him to consent to a hearing of said matter at said time and place.

J.B. Fuqua, J.E. Tubb J.P. Shannon, Solicitors for the Plaintiff.

State of Tennessee } Personally appeared be me, Albert Binkley, Clerk of the  
Humphreys County. }  
Circuit Court of said County, the plaintiff J.A. Gray, who makes oath that the above plea is true in substance and in fact. J.A. Gray

Sworn to and subscribed before me, this the 25th June, 1923, Albert Binkley Clerk.

J.A. Gray

vs. ) In the Circuit Court for Humphreys County, Tennessee.  
Willien B. Gray )

The plaintiff for plea says : That on June 6th. 1922, he filed suit under the above styled cause in the circuit court of Humphreys county, Tenn., against the defendant, Willien B. Gray, in which he sought an absolute divorce from said defendant and the custody of their only child, J.A. Gray III and that on July 22nd. 1922, the said defendant, Willien B. Gray, filed an answer and Cross-bill seeking a divorce from the plaintiff and the custody of said child, that this cross-bill was answered by the plaintiff July 29, 1922 and that at the regular August term, 1922, of the circuit court of said Humphreys county, Tenn., said cause was heard upon the pleadings and the evidence of numerous witnesses examined orally before the court and that the judge of said court granted the plaintiff an absolute divorce on the grounds of the defendant's having been guilty of adultery with M.C. Carnell and the court was of the opinion and orderd, adjudged and decreed that the complainant J.A. Gray be and is awarded the custody of the only child of said marriage, to wit, J.A. Gray III subject to the right of the defendant to have said child to visit her at her mother's home in Birmingham, Alabama, one month in each year during school vacation period but before such right to such visit she must make a good and solvent bond in the sum of five thousand dollars payable to the State of Tennessee for the use and benefit of J.A. Gray payable in the event that the said defendant failed to safely return the said child to the custody of the said J.A. Gray and the jurisdiction of this court at the end of said month's visit. Such visits to be at the expense of the defendant. The sureties on said bond must be persons or surety company within the jurisdiction of this court and the solvency of such bond is to be determined by the judge of this court. The decree further provided in the case of the inability of the defendant to make such bond that said month's visit might be had at defendant's uncle's home Jeff H. Hix Johnson at Nashville. The said judgment contained the further clause as follows: The cause is retained in court however to the end that future orders may be made as to such visits of the child to the mother as developments may justify. The defendant prayed and obtained an appeal from said decree to the court of civil appeals at Nashville, Tenn., she made bond prepared and filed a bill of exceptions in said case containing all the evidence introduced on the trial of the same which was signed and ordered to be made a part of the record in the case by the presiding judge of the said Circuit court at that time. The evidence of the defendant herself and her brothers and sister so heard in said case and so made a part of the record therein showed that the defendant with the proffered aid of her relatives as aforesaid was able to take care of and provide for the child, J.A. Gray III- all the time, and that the motion now made does not show and superior ability to take care of and provide for the said child than was showed on the trial of said case. That trial was on the merits of the case. And while said appeal so taken by the said defendant to the said court of civil appeals was so done for the purpose of having said decree reversed, yet the court of civil



appeals affirmed the judgment and decree of the said circuit court in all things and no writ of certiorari or error was obtained from the supreme court to review the judgment of said court of civil appeals all of which more fully appears from the record and proceedings of the said courts aforesaid. J. Ben Fuqua, J. E. Tubb J. F. Shannon, Solicitors for the plaintiff.

The plaintiff J. A. Gray makes oath the foregoing plea is true in substance and in fact J. A. Gray.

Subscribed and sworn to before me on this the 20th. day of June 1923. Albert Binkley  
Clerk of the circuit court of Humphreys County Tennessee

which pleas or exceptions to the hearing the court was pleased to overrule and the court to which action of the Court the plaintiff excepted.

Thereupon the Court heard oral proof upon the motion of the Defendant over the exception of the plaintiff and upon consideration of which proof and the record in the cause the court was pleased to and did hold the the order heretofore made in this cause fixing the bond to be made by the defendant in order to procure the child J. A. Gray, III to visit the defendant in Birmingham Alabama be reduced in amount from the amount of \$5000.00 FIVE THOUSAND DOLLARS to TWO THOUSAND DOLLARS \$2000.00 and that upon the execution of the bond in the sum of two Thousand Dollars in all respects as provided for in the decrees rendered heretofore in this cause as was provided therein upon the execution of the bond for \$5000.00

Upon the execution of the bond as provided herein, provided it is executed by Saturday, June 23, 1923, Plaintiff J. A. Gray will deliver J. A. Gray, III to his mother at the Maxwell House in Nashville, at 11 o'clock Sunday Morning, June 24th. 1923. If said bond is not executed by the time indicated herein then in that event upon the execution and filing of said bond said J. A. Gray shall then deliver the child within forty-eight hours after the filing of the bond at the time and place above set out.

The Defendant then moved the court for a new trial upon the following grounds:

J. A. Gray ) In the circuit court at Waverly, Tennessee heard upon motion  
vs. )  
Willien B. Gray ) before J. D. G. Morton, at Gallatin, Tennessee, at Chambers, June 23, 1923.

The plaintiff J. A. Gray moved the court to grant him a new trial and for grounds for such new trial assigned the following:

## I.

Because the notice of the hearing of the application of the defendant to be held in the circuit court room at Gallatin Tennessee at Chambers, does not state before what court such motion was to be made, nor does it state what court nor in what county the above styled suit was then pending.

## II

The record in said styled case discloses the fact that said suit was brought in the circuit court of Humphreys County, Tennessee and the record fails to show that the hearing at Gallatin Tennessee on June 22, 1923 is by consent of the parties to the said lawsuit, and that hearing being set at Gallatin, Tennessee that being a point not in Humphreys county, Tennessee, and not being shown that consent has been given for such a hearing outside of Humphreys County, Tennessee.

## III

The record in said cause shows that an appeal from the final decree there rendered in Humphreys county, Tennessee was taken by the defendant and case taken by appeal to the court of Civil Appeals, sitting at Nashville, Tennessee was taken by the defendant and the case taken by appeal to the and the record fails to show any remandment of said case from said court of Civil Appeals to the circuit court of Humphreys county.

## IV

Because it does not appear from the record that the defendant has given any cost bond, to cover the costs incident to the proceeding under said motion.

## V.

Because the court is without jurisdiction to try the questions raised and submitted by the motion at this time and at Chambers at Gallatin, Tennessee, a point outside of Humphreys county.

## VI

Because circuit courts are without jurisdiction to hear and determine cases, except at their regular terms of court and in the county where the suit is pending.

## VI

Because the notice sent out as to the hearing of this matter states that "Petitioner will make this motion upon the bonds that she amply able to provide a comfortable home for her son and and look after him as long as the court will permit her to have him visit her" This being the only ground disclosed in the notice upon which relief will be asked, and the Record in the cause to wit the Bill of exceptions, containing all the proof in the cause on its final hearing in the circuit court of Humphreys county, Tennessee disclosed the fact said defendant together with a lot of her relatives testified that she could be able with their aid and help to provide for the child ~~law~~ in question all the time, and this motion does not make any showing of any superior ability at this time to care for the boy then was shown upon the trial of the case in said circuit court of Humphreys county Tennessee in August 1922, and the question raised by the motion has already been adjudicated by the court.

## 2nd.

Because the suit in the above styled case is a suit instituted in the circuit court of Humphreys County Tennessee and the court is without jurisdiction to try the motion or enter any action thereon at Chambers in Gallatin Tennessee is not in Humphreys county Tennessee where said suit was instituted and because the plaintiff has not given his consent for said matter to be heard at Chambers at Gallatin, Tennessee on June 22, 1923, nor any other date, nor has he authorized and one for him to consent to a hearing of said matter at said time and place (these grounds of this motion being a defense to defendants application for a hearing at Chambers, set up by plaintiff thereto in his plea)

3rd. (Plea of former suit and adjudication)

On June 6th. 1922 plaintiff filed suit under the above styled cause in the circuit court of Humphreys county, Tennessee against the defendant Willien B. Gray in which he sought an absolute divorce from said defendant and the custody of their child J. A. III and that on July 23, 1922 the said defendant Willien B. Gray filed an answer and cross-bill seeking a divorce from the plaintiff and the custody of said child, that this cross bill was answered by the plaintiff, July 29, 1922. and that the regular August term 1922 of the circuit court of said Humphreys county, Tennessee said cause



was heard upon the pleadings, and the evidence of numerous witnesses examined orally before the court and that the judge of said court granted the plaintiff an absolute divorce on the grounds of the defendants having been guilty of adultery with M.C. Carnell and the court was of the opinion and ordered, adjudged and decreed that the complainant J.A. Gray be and is awarded the custody of the only child of said marriage, to wit J.A. Gray III, subject to the right of the defendant to have said child to visit her at her mothers home in Birmingham Alabama one month in each year during the school vacation period, but before such right to such visit she must make a good and solvent bond in the sum of Five Thousand Dollars payable to the State of Tennessee for the use and benefit of J.A. Gray payable in the event the said defendant fails to safely return the said child to the custody of the said J.A. Gray and the jurisdiction of this court at the end of said months visit.

Such visits to be at the expense of the defendant. The sureties on said bond must be persons, or surety Company, within the jurisdiction of this court and the solvency of such bond is to be determined by the judge of this court. The decree further provided in the case of the inability of the defendant to make such bond that said months visit might be had at defendants uncles home, Jeff H. Johnson at Nashville. The said judgment contained the further clause as follows: The cause is retained in court however to the end that future orders maybe made as to such visits of the child to the mother as developments may justify. The defendant prayed and obtained an appeal from said decree to the court of Civil Appeals at Nashville, Tennessee, she made bond prepared and filed a bill of exceptions in said case containing all the evidence

introduced on the trial of the case which was signed and ordered to be made a part of the record in the case by the presiding judge of the said circuit court at that time. The evidence of the defendant herself, and her brothers and sister, so heard in said case and so made a part of the record therein showed that the defendant with ~~xxxxxx~~ the proffered aid of her relatives as aforesaid was able to take care and of and provide for the child-J.A. Gray III- all the time, and that the motion now made does not show any superior ability to take care of and provide for the said child than was shown on the trial of said case. That trial was on the merits of the case. And while said appeal so taken by the said defendant to the said court of Civil Appeals was so done for the purpose of having said decree reversed, yet the court of Civil Appeals affirmed the judgment and decree of the said circuit court, in all things, and a writ of Certiorari was obtained from the supreme court to review the judgment of said court of Civil Appeals all of which more fully appears from the record and proceeding of courts aforesaid.

Because the court erred in overruling the plaintiff's motion to disallow the plaintiff's application for a hearing on her motion at this time and place. The court further erred in overruling the two pleas filed by the plaintiff as a defense to the ~~and~~ said motion of the defendant ( Said pleas being embodied in the 2nd. & 3rd grounds above set out under the general subdivision of said grounds)

Because the court erred in allowing the defendant to make the following amendment to her motion to wit.

" On motion of defendant on June 22nd. 1923, the above motion is amended by leave of the court as follows: Defendant will move the court also to reduce the bond required under the former decree of this court from \$5000.00 to \$2000.00 for the proper return of the child to the custody of the father in accordance with the decree of the court heretofore rendered."

Because the court erred in hearing any additional oral testimony on the trial of the defendant's said motion as amended. Because the motion is heard upon the record and not upon oral testimony and because the evidence in support of the defendant's amendment to her motion would be incompetent on the ground that said amendment was not included in defendant's notice to the plaintiff with reference to her original motion and hence plaintiff was taken by surprise and was unprepared to meet it. Which motion the court overrules. Plaintiff excepts. Thereupon the plaintiff moved the court for an arrest of judgment, which the court likewise overruled. Which action the court was pleased to overrule.

To this action of the Court, the plaintiff excepted/in nature of writ of order to the next term of the Court of Civil Appeals at Nashville, which prayer was by the Court denied. The plaintiff is allowed due cause therefor appearing 20 days to prepare and file bill of exceptions.

It is further ordered and decreed by the Court that the cause is kept in court in pursuance of the terms of the original decrees in this case for such further orders and decrees as the Court may, upon application, make.

To the Clerk of the ~~xxxxx~~ Circuit Court at Waverly.

Enter the within order in the case of J.A. Gray vs. Willien B. Gray.

This June 22, 1923. J.D.G. Morton Judge.

J.D.G. Morton  
The above Order delivered to the ~~by XXXXXXXXXXXXX~~ June 22nd. 1923 and entered on Minute book June 22nd. 1923.

*Albert Binkley* Circuit Court Clerk

The foregoing order made by me at the Court since the last term of the court have been examined and found correct, and are hereby approved.

*Jesse James*  
Judge

CAPTION AUGUST TERM 1923.

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 August, it being the 2nd. Monday in said month, and the One Thousand Nine Hundred and Twenty Third year of our Lord, and the One Hundred and Forty Eighth year of American Independence.

Present and presiding the Hon. J.D.G. Morton, 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 Facias showing that the following named persons, were appointed by the County Court at its July Term 1923 to appear and to serve as jurors at this present term of this court to wit:

Winston White, J.H. Turner, Carlos Beacham, John Rob Madden, V.V. Jackson, Will McKeel, J.D. Poreh, J.E. Gwin, C.E. Moore, L.L. Shipp, Floyd Murphree, Jesse James C.O. Bradshaw, J.D. Hooper, Dave Johnson, Vernon Anderson, Sam Mays, Jim Jones, Dave Wright, Jim Hedge, Frank Rochell, W.W. Willis, Tom Mitchell and W.C. Anderson

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, Winston White, Charles Beacham, J.D. Porch U.L. Shipp, Jim Jones who were excused by the court for various causes J.D. Parker M.M. McCaleb Will Box Jon Perkins and Willis Bass were appointed by the court to fill vacancies so appearing, out of said jurors so summoned and appearing were drawn a Grand Jury to wit: Jim Hedge, W.W. Willis C.E. Moore R.I. Mitchell, Sam Mays Dave Johnson C.O. Bradshaw W.C. Anderson V.V. Jackson A.V. Anderson Jesse James and J.E. Gwin. and P.J. Fuqua having appointed Foreman of the Grand Jury at a former term of this court the said Grand Jury is in all things as the law directs, having been treid sworn elected and charged by the court, retired to their room in charge of their sworn <sup>officer</sup> J.A. Crowell a Deputy Sheriff of Humphreys County, Tennessee sworn according to law to attend them in considering presentments and indictments.

W.S. Smith  
vs.

H.H. Hatcher (

this cause was this day heard before the judge without a jury upon the record and the evidence whereupon the court found the issue in favor of the plaintiff as assess his damages at thirty five cents against the defendant.

the court further ordered that each party pay his own witnesses and costs incident to their being summoned and that each party pay one half each of all <sup>other</sup> costs in the case for all of which let execution issue

Britt Davis  
vs.

H.H. Hooper et al,

this cause is compromised and settled by the defendants paying to the plaintiff the sum of \$40.00 and then paying the costs of the cause.

it is therefore considered that the plaintiff recover of the defendant the sum of \$40.00 and the cost of the cause for which execution will issue.

J.P. Choate ( ) Circuit Court Humphreys County, August term 1923 on certiorari etc.  
vs. )

J.W. Matlock (

In this case comes the plaintiff and moved the court to quash and dismiss the writ of certiorari granted herein and denues the allegation contained in the petition of said writ, to wit, that the petitioner tendered to James Bradley, the J.P. who tried and decided and rendered the judgment complained of in this case on its trial before the said Justice of the Peace, the oath prescribed for poor persons, likewise plaintiff denies the allegation contained in said petition that the said James Bradley J.P. informed or told said petitioner, the said defendant that the oath for poor persons in lieu of an appeal bond would not be accepted or taken by said J.P. in this case, or that the said J.P. the said James Bradley told him that he knew from developments in said case that Petitioner had property that enabled him to make such bond etc. It is likewise denied that said Bradley Justice of the Peace only agreed to grant an appeal in said case upon the said defendant the said Matlock executing bond, and that he refused to grant the appeal upon the oath for poor persons. It is denied that any oath was ever tendered. It is further denied that said judgment

is wholly unjust, or that it is unjust in any sense as against the defendant; it is therefore asked that said writ be quashed and dismissed and that the petitioner the said defendant be required to substantiate the grounds alleged in his petition for writ of certiorari, and that the plaintiff be permitted to introduce proof and to sustain this motion and the facts put in issue thereunder. J.E. Tubb J.F. Shannon Attys for Plff. Thereupon the case were continued upon said motion by consent

J.A. Gray ( )  
vs. ) CIRCUIT COURT HUMPHREYS COUNTY, TENNESSEE  
Willien E. Gray)

In this cause, it appearing that on the 22nd. day of June . 1923, an order was entered in this cause, to the effect that the defendant, Willien B. Gray was to have the custody of J.A. Gray III, for a period of thirty days beginning with June 24, 1923, as appears in said order, which order is entered in Minute Book 16 page 343 of this court, provided bond was executed in the sum of \$2000 by the American Surety Company of New York, and, It appearing that the said bond was executed by the said Willien B. Gray and the American Surety Co. of New York as surety, and that the said J.A. Gray III was delivered over to the said Willien B. Gray, as provided in said decree and that the said Willien B. Gray has returned the said J.A. Gray III to his father J.A. Gray Jr. as provided in said decrees.

IT IS THEREFORE ORDERED AND DECREED, the bond heretofore given be canceled and delivered up to the said American Surety Company, Surety, and Willien B. Gray, principal, and that all liability upon said bond be canceled and discharged a copy of said bond is to be made and left with the clerk as a part of the record in said cause

State of Tennessee  
vs. ) Drunkenness  
George O. Guin )

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 into open court H.H. Hooper, W.L. Latimore, J.R. Madden and Will J. Madden and entered 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 and his sureties all of said fine and costs for which let execution issue

State of Tennessee  
vs. ) Using Auto without lights  
J.Hugh McCann )

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 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 adjudged and decreed by the court that the defendant go hence without day

State of Tennessee  
vs. ) Drunkenness  
Tom Wills )

In this case came the Attorney General for the State and 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 into open