

Minutes Circuit Court, Humphreys County, August Term, 13 day of August 1925

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
Hedge Porch and)
Ora Young)

In this case came the Attorney General for the State and the defendant Hedge porch in person and ple-ad 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 vent of his failure to pay or secure all of said fine and costs he will be confined in the county jail or work house until he pay secure or work out of said fine and costs, and the case is continued as to the defendant Ora Young until the next term of this court.

State of Tennessee)
vs.) B.D.
Red Dolan and J.C.)
Potter.)

In this case came the Attorney General for the State and the defendant J.C. Potter 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 jury of good and lawful men of Humphreys County to wit: J.C. Parks, J.F. Rochell W.R. Thomas, Molton Forest German Ethridge, Oce Hempby, Spicer Simpson, Walter Simp, son Sim Wafford, Jim Woods Dalton Holmes, and F.N. Scholes, who being duly elected tried and sworn according to law to well and truly try the issues joined who after hearing all the proof the argument of counsel and the charge of the court upon their oath do say that they find the defendant guilty as charged in said bill of indictment Thereupon the Court assess the penalty and say he shall pay a fine of one hundred dollars together with all the costs, and in the event of his failure to pay or secure said fine and cost he will be confined in the county jail or work house until he pay secure or work out all of said fine and costs, and the case is continued as to Red Dolan on a plea of guilty.

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

J. C. Potter Judge.

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Court met persuant adjournment, present and presiding the Hon. J.D.G. Morton Judge.

J.R. Morris, for
use and benefit of
J.D. Luton and
G.C. Williams)
vs.) In the Circuit Court, Waverly Tenn, August Term 1925.
V.Y. Rogers)

On this day came J.R. Morris, in open court and presented the following note to wit:-

Note

\$261.79 Waverly, Tenn., August 22nd. 1924.
Four months after dat, we or either of us promise to pay to the order of J.R. Morris Two Hundred Sixty One & 79/100 Dollars for value received at FARMER & MERCHATN'S BANK o d Waverly, Tennessee, 6% 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 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 J.A. Slayden or J.R. Morris 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 J.R. Morris or their assigns, for the 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. V.Y. Rogers. A
Note dated August 22nd. 1924 due four months after date payable to the order of J.R. Morris, in the sum of TWO HUNDRED SIXTY ONE AND 79/100 Dollars (\$261.79) signed by V.Y. Rogers, which note contains a claused whereby the maker, authorized J.A. Slayden or J.R. Morris, at any time after the note became due to go before any court of Record ora a Justice of the Peace having jurisdiction thereof in the State of Tennessee and confess judgment in favor of the said J.R. Morris, against the maker of said note V.Y. Rogers. Thereupon the said J.R. Morris the said Attorney in fact as provied for in said note did confess judgment in favor of the said J.R. Morris, for the use and benefit of J.D. Luton and G.C. Williams and against the V.Y. Rogers and direct the Court to so render judgment for the amount of said note to wit: TWO HUNDRED SIXTY ONE & 79/100 Dollars (\$261.79) the principal of the note ad and 6% interest from date amounting to the sum of FIFTEEN DOLLARS (\$15.00) making the total sum TWO HUNDRED SEVENTY SIX & 79/100 Dollars (\$276.79) and the costs of suit. It is therefore ordered adjudged and decreed by the Courtm that the phaintiff J.R. Morris, for the use and benefit of J.D. Luron and G.C. Williams recover of the defendant V.Y. Rogers the sum of TWO HUNDRED SEVENTY SIX & 79/100 Dollars (\$276.79) and the costs of this proceedings, for all of which execution may issue.

York Price)
vs.) In the Circuit Court of Humphreys County, August term 1925.
Lula Price (

This cause was heard upon the whole record and all the proof when it appeared to the court that the complainant is seeking a divorce on the grounds of desertion without a cause continuing for more the 2 years next before the filing of the bill in this cause, and the court being of the opinion that the complaintant has not made out the grounds for divorce alleged in his bill, the suit is therefore dis-

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missed at the cost of the plaintiff and the sureties on his bond to wit: T.R. Harris for all of which execution may issue.

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

One against Will Davis Assault and battery, Subpoena for the State L.A. Wolverton Rebecca Wolvretton, Pleas Watts T.B. Ayers and Roy Dreadeh.

One against Scott Shanks Disturbing worship Subpoena for the State Mrs. Hallie Watson C.E. Young

One Bobbie Elvington Carrying a pistol Subpoena for the State E.A. Myatt R.M. Waggoner Otto Sharp V.L. Jackson Alfred Boyd C.

One against F.C. Hudson Mis:- Subpoena for the State J.W. Byrn.

One against Bobbie Elvington Disturbing worship Subpoena for the State Jim Wheeler col Calvin Long col,

One against Walter Binkley and Alf Connors M. Liquor Subpoena for the State J.H. Smith Kiler Smith Wyly Smith.

One against J.W. Utley False Pretense, which indictment is in the words and figures following to wit:- State of Tennessee, Humphreys County. Aug. Term of Circuit Court A.D. 1925, The Grand Jurors for the sate of Tennessee, duly elected, empaneled, sworn and charged to inquire for the body of the County Humphreys, and State afore said upon their oath aforesaid present that J. W. Utley heretofore to wit, on the 19th. day of Apr. 1924 in said County and State, unlawfully fraudulently and feloniously obtained from the Waverly Motor Co. of Waverly Tenn, one Ford Roadster No. 9, 621,944 of the value of three hundred and thirty dollars, the property of the said Waverly Motor Co. by means of felonious, falsely and fraudulently pretending that he was twenty one years old and of lawful age and competent to make contracts as a result of which he purchased said automobile, paying part cash and executed notes for balance, which said pretense was wholly false, and untrue and the defendant well knew the same to be false and untrue, with intent to deprive them the said Waverly Motor Co, the true owners thereof and defraud them the said Waverly Motor Co. contrary to the statute and against the peace and dignity of the State. Jno. B. Bowman Attorney General. Aug. Term 1925 THE STATE vs. J.W. Utley False pretense E.E. Pace Prosecutor Sunpoena for the State E.E. Pace C.H. Daniel J.C. Bridges ~~James~~ witnesses sworn by me on this indictment before the Grand Jury Aug. Term 1925 P.J. Fuqua Foreman Grand Jury Jno. B. Bowman Attorney General A. TRUE BILL P.J. Fuqua Foreman Grand Jury.

One against Dave Smith Bigamy which indictment is in the words and figures following to wit: State of Tennessee, Humphreys County. Aug. Term of Circuit Court A.D. 1925 The Grand Jurors for the State of Tennessee, duly elected, empaneled, and sworn and charged to inquire for the body of the county of Humphreys and State aforesaid, upon thier oath aforesaid, present that Dave Smith, heretofore to wit: on the 10th. day of Aug. 1923, in said county and state having already lawfully married to one Vena Wilson, and not having obtained a divorce from her the said Vena Wilson, then and there unlawfully, willfully, knowingly and feloniously married one Olla Young, the former wife, the said Vena Wilson being then living contrary to the statute and against the peace and dignity of the state. Jno. B. Bowman Attorney General. Aug. Term 1925 THE STATE Vs. Dave Smith Bigamy Jno. Young Prosecutor Subpoena for the State Olla B. Young Jno. Young Vena Smith Vena Wilson Smith witnesses sworn by me on the indictment before the Grand Jury Aug. Term 1925 .P.J. Fuqua Foreman Grand Jury Jno. B. Bowman Attorney General A TRUE BILL P.J. Fuqua Foreman Grand Jury.

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One against B.V. Dimney Mis:- Subpoena for the State Jess Wright.

One against Claud Triplett Age consent which indictment is in the words and figures following to wit. State of Tennessee, Humphreys County, Aug. Term of Circuit Court A.D. 1925. 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 Claud Triplett heretofore to wit, on the 18th. day of Feb. 1925, in said County and State, unlawfully, feloniously, and carnal ly knew Ruth Daniel, a female over the age of twelve years and under the age of twenty one years, the said Claud Triplett and Ruth Daniel not occupying the relation of husband and wife, at the time of said carnal knowledge, and the said Ruth Daniel not being, at the time and before said carnal knowledge, a lewd, bawd or kept female contrary to the statute and against the peace and dignity of the State.

Jno. B. Bowman Attorney General. Aug. Term 1925. THE STATE vs. Claud Triplett age-consent Alvie Daniel Prosecutor. Subpoena for the State Ruth Daniel Alvie Daniel. Witnesses sworn by me on the indictment before the Grand Jury Aug. Term 1925 P.J. Fuqua Foreman Grand Jury. Jno. B. Bowman Attorney General. A TRUE BILL P.J. Fuqua Foreman Grnd Jury.

One against Robert Baker Larceny, which indictment is in the words and figures following to wit, State of Tennessee, Humphreys County. Aug. Term of Circuit Court, A.D. 1925. 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 Robert Baker of said County, heretofore to wit, on the 18th. day of August 1924, in the County aforesaid, unlawfully, and feloniously, did steal, take and carry away one watch of the value of fifteen Dollars the property of G.A. Noe of said County, then and there being found, contrary to the form of the statute in such case 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 Robert Baker, of said county, on the day and year aforesaid, in the County aforesaid, unlawfully and feloniously did receive buy, conceal, and aid in concealing watch of the value of fifteen dollars, the property of G.A. Noe of said county, before then feloniously stolen, taken and carried away by some one to the Grand Jury unknown he the said Robert Baker then and there knowing the said watch to have been feloniously stolen, taken and carried away, and he the said Robert Baker intending then and there fraudulently to deprive the owner thereof, contrary to the form of statute in such cases made and provided, and against the peace and dignity of the state, Jno. B. Bowman Attorney General. Aug. Term 1925. THE STATE vs. Robert Baker Larceny, G.A. Noe Prosecutor, subpoena for the State G.A. Noe L.A. Phy, R.P. Holland Witnesses sworn by me on this indictment before the Grand Jury Aug. Term 1925 P.J. Fuqua Foreman Grand Jury JNO.B. BOWMAN Attorney General A. TRUE BILL P.J. Fuqua Foreman Grand Jury.

One against Will Palmer Burglary which indictment is in the words and figures following to wit: State of Tennessee, Humphreys County

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Aug. Term of Circuit Court, A.D. 1925. The Grand Jurors for the State of Tennessee duly elected empaneled, sworn, and charged to inquire for the body of the County of Humphreys and State aforesaid, upon their oath aforesaid, present, that Will Palmer heretofore, to wit, on the 12th. day of Feb. 1924, in said county and State, unlawfully and feloniously did break and enter the business house of Williams hardware Co. of said County, with intent to commit a felony to wit: a larceny, contrary to the statute and against the peace and dignity of the State.

And the Grand Jurors aforesaid upon their oath aforesaid, further present that the said Will Palmer on the day and year aforesaid, in the state and county aforesaid unlawfully and feloniously did take steal and carry away twenty dollars in good and lawful money of the United States denomination to Grand Jurors unknown, of the value of twenty dollars and of the goods and chattle of the said Williams Hardware Co. with intent to deprive the said Williams Hardware Co. the true owner thereof and convert the same to his own use contrary to the statute, and against and dignity of State. Jno. B. Bowman Attorney General.

Aug. Term 1925 THE STATE vs. Will Palmer Burglary Fate Williams Prosecutor Subpoena for the State Fate Williams and J.L. Smith. Witnesses sworn by me on this indictment before the Grand Jury, Aug. Term 1925. P.J. Fuqua Foreman Grand Jury. Jno. B. Bowman Attorney General A TRUE BILL P.J. Fuqua Foreman Grand Jury.

One against Will Palmer Burglary, which indictment is in the words and figures following to, wit: State of Tennessee, Humphreys County, Aug. Term of Circuit Court, A.D. 1925. The Grand Jurors for the State of Tennessee, duly elected, empaneled, sworn, and charged to inquire for the body of the County of Humphreys, and State aforesaid, upon their oath aforesaid, present that Will Palmer heretofore, to wit, on the 8th. day of Oct. 1924, in said County and State unlawfully and feloniously did break and enter the business house of Williams Hardware Co. of said County with intent to commit a felony to wit, a larceny, contrary to the statute and against the peace and dignity of the State. And the Grand Jurors aforesaid upon their oath aforesaid further present that the said Will Palmer on the day and year aforesaid in the State and County aforesaid unlawfully and feloniously did take steal and carry away one jersey jacket of the value of eight dollars, the property of the Fate Williams, with intent to deprive him the said Williams, the true owner thereof and converted the same to his own use contrary to the statute and against the peace and dignity of the State

Jno. B. Bowman Attorney General. Aug. Term, 1925. THE STATE vs. Will Palmer Fate Williams Prosecutor, Subpoena for the State Fate Williams J.L. Smith, witnesses sworn by me on this indictment before the Grand Jury, Aug. Term 1925. P.J. Fuqua Foreman Grand Jury Jno. B. Bowman Attorney General. A TRUE BILL P.J. Fuqua Foreman Grand Jury.

We, the members of the Grand Jury for Humphreys County, at the August 1925 beg leave to submit the following report to Your HONOR.

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

We have visited the county jail and poor house and find the prisoners and inmates well fed and cared for.

We, have examined all bonds required 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 ask to be discharged for the term. P.J. Fuqua Geo.

Wagoner, J. H. Williams J. H. Williams C.S. Oliver H.A. Williams J.B. Wheeler, Paul Reese L.L. Haygood H.R. McCanless W.N. West brook Ezra Joshlin J.J. Robertson

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Jodie Stephenson
vs.
Decree
Dodia Stephenson

In this cause it duly appearing to the Court that the defendant Dodia Stephenson has been regularly brought before the court by nonresident publication notice duly made and up until this the fourth day of the term Thursday August 13, 1925 has failed to appear and make any defense to the petition for divorce filed against her in this cause and within the time required by law, it is therefore ordered adjudged and decreed by the court as to her that the petition be taken as confessed and the cause set for hearing ex parte.

The cause then came on further to be heard before the Hon. J.D.G. Morton, Judge of the Circuit Court of Humphreys County, Tennessee upon the petition of Jodie Stephenson, the order pro confesso and the oral testimony of witnesses examined in open court. And it satisfactorily appeared to the court from the proof that the facts charged in the petition are true, that the defendant had willfully deserted the petitioner without a reasonable cause for more than two whole years before the filing of the petition. It is therefore ordered, adjudged, and decreed by the court that the bonds of matrimony subsisting between the petitioner and the defendant be absolutely and forever dissolved and that the petitioner be vested with all the rights and privileges of an unmarried person. It is further ordered that the petitioner and his surety on his cost bond to wit J.R. Morris pay the costs of this cause for which let execution may issue.

Odie Smith
vs.
Miles Smith or
Miles Smith
In the Circuit Court, Waverly Humphreys County, Tennessee, August Term 1925.

In this cause it duly appearing to the Court, that the defendant Miles Smith or M.S. Smith, has been regularly brought before the Court by nonresident publication notice duly made and up to this the 4th. day of the term, Thursday August the 13th. 1925, has failed to appear and make defense to the petition for divorce and alimony filed against him in this cause by his wife Odie Smith, within the time required by law: it is therefore ordered adjudged and decreed by the Court as to him the petition be taken as confessed, and the cause set for hearing ex parte.

The cause then came on further to be heard before the Hon. J.D.G. Morton, Judge, upon the petition of Odie Smith the proconfesso, and the oral testimony of witnesses examined 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 had willfully deserted the petitioner without a reasonable cause, for more than two whole years before the filling of the petition in this cause, that he had also failed and neglected to provided for his wife and their children, and in fact had turned them out upon the world without support.

It is therefore ordered, adjudged and decreed by the court, that the bonds of matrimony subsisting between the petitioner and the defendant, be absolutely and forever dissolved and that the petitioner be vested with all the rights and privileges of an un married person. That the petitioner be and is vested with the exclusive custody and contrroll of all her minor children by her marriage to the said Miles or M.S. Smith, namely Cora Gwyn, Ether and Lether Smith, Maggie Smith, Arch Smith, and Marie Smith.

That the defenant be and is perpetually enjoined and prohibited from visiting the home

See record 142 A 283 Register Office for full release

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of his said wife, the petitioner, or in any manner interfering with her or her minor children, except the petitioner sees fit to allow him to come into her home.

It is further ordered, adjudged and decreed by the court that the title to the one half interest of the defendant Miles Smith ----- in the lands described in the petition.

in this cause in book 40 page 89, Register's office of Humphreys County, Tennessee be and the same is divested out of the said Miles Smith and vested in the petitioner Odie Smith, or O.B. Smith, in fee simple. Said land is situated in the old 11th District, now the 1st. district, of Humphreys County, Tennessee on the waters of Deer Creek and bounded and described as follows, to wit:

First Tract: Beginning on a black oak in the forks of the road Joel Ridings N.E.C. of his 100-acre tract, runs thence north 80 poles to a white oak thence west 155 poles to a hickory, thence south 121 poles to a stake J.J. Brown's N.B.L. thence east 155 poles to a stake, thence north to the beginning.

SECOND TRACT: Lying on both sides of Deer Creek, beginning at a black oak and dogwood thence the S.E.C. of the 50-acre survey granted by the State of Tennessee to David Mills by Grand No. 21042 running thence North 5 poles to a stake; thence east 140 poles to a stake to the E.B.L. of the 300-acre survey granted to E.H. Lucas and John Bateman by Grand No. 17532; thence North 135 poles to a stake in the S.B.L. of a 50-acre survey formerly owned by Joseph; thence west with said line 8, poles to its S.W.C.; thence North with the W.B.L. 5 poles to a stake; thence west with the N.B.L. of the said Lucas and Bateman survey passing their N.W. C. at 192 poles in all 329 poles to an ash and dogwood and poplar; thence with the conditional marked line and fence to the N.W.C. of the above described 50-acre survey; thence south 60 poles to its S.W.C.; thence east 126 poles, more or less but from the above calls there is excluded a tract of about 100 -acres that was formerly sold off to Earl Curtis, the lands herein conveyed being the lands that were purchased by J.L. Carroll in the case of G.A. Curtis et al, vs Narcissus Curtis et al.

It further appeared to the court that the lands herein described was worth something like \$2000.00. The Petitioner is given as alimony the half interest in the land hereinbefore described the whole tract subject however to a prior lien for purchase money in favor of J.L. Carroll from whom the petitioner and defendant purchased. The petitioner is also given as alimony all of the household and kitchen furniture in the family residence on said land and all other personal property belonging to the defendant, the title to all of said personal property is divested out of the defendant and vested in the petitioner.

The defendant will pay J.R. Morris, solicitor for the petitioner in this cause, the sum of \$50.00, his fee in the cause for service to this date, together with the cost of this cause and upon motion of the solicitor J.R. Morris a lien is declared to exist in his favor on the land hereinbefore described subject to the lien of said Carroll until said fee is paid. Execution may issue to enforce the payment of said sum and if necessary a writ of possession will issue to put petitioner in possession of all the property real and personal decreed to her. The Court so orders, adjudges and decrees. This cause will be retained in court for the enforcement of this decree whenever necessary.

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

In this cause it appearing to the court that the sheriff carried Aslee Curtis to the girls Reformatory at Tullahoma Tenn. and that he has not been paid the fees allowed by law- It is therefore ordered, adjudged and decreed by the Court that the Clerk of this court pay the Sheriff the sum of twenty five and 84/100 dollars the costs allowed by law out of any fine on hand or to be collected and going to the County.

G.S. Rone & Son.
vs.
M.G. Buchanan et al.

This cause came to be heard before the Court on this the 14th. day of Aug. 1925, when it appeared to the Court that the defendant M.G. Buchanan is indebted to the plaintiff in the sum of One Hundred Sixty Eight and 76/100 dollars as evidenced by the note filed herein and Fifteen and 18/100 Dollars interest thereon, and is also indebted to the plaintiff in the sum of One Hundred and twenty six and 22/100 dollars due by account as shown by the sworn account herein filed, together with interest thereon amounting to five Dollars and four cents, making a total due the plaintiff by the defendant the sum of Three Hundred, Fifteen and 20/100 dollars and as shown above and by agreement.

It is ordered, adjudged and decreed by the court that the plaintiff recover of the defendant the said sum of three Hundred, Fifteen and 20/100 dollars and the cost of this suit for all of which let execution issue. This case as to J.A. Slayden was compromised out of court, and the said Slayden having properly made a tender of the entire amount due by him at the time of the trial before the Justice of the Peace and he having paid the costs accrued up to that time, the said Slayden is not liable for any costs in this cause.

State of Tennessee)
vs.) B.D.
Otto Sanders et al,)

In this case came the Attorney General for the State and the defendant Otto Sanders in person and plead guilty as charged. Thereupon the Court assess the penalty and say he shall pay a fine of \$100.00 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 workhouse until he pay or secure or workout all of said fine and costs, and it is ordered adjudged and decreed by the court that the defendant Otto Sanders be confined in the county jail for a period the 30 days

State of Tennessee)
vs.) B.D.
Herschell Cooley)

In this case came the Attorney General for the State, and it appeared to the court, that the defendant was indicted at a former term of the court for transporting liquor, and that said defendant was arrested and entered into bond with J.E. Sullivan and C.L. Wall as sureties, which bond is in the words and figures following to wit: State of Tennessee, Humphreys County. We, Herschell Cooley agree to pay the State of Tennessee Two Hundred and Fifty \$250.00 Dollars unless the said Herschell Cooley appear at the next term of the Circuit Court of Humphreys County, to held at the court house in the town of Waverly, on the 3, Monday in April 1925, on Tuesday or

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of said term to answer the State of Tennessee for the offense of possessing liquor and do not depart the Court without leave.

Herschell Cooley Principal
J.S. Sullivan Surety
C.L. Wall

Approved J.L. Smith Sheriff.

This 20 day of April 1925.

And the defendant Herschell Cooley being solemnly called to come into open court and answer the State of Tennessee upon a charge of possessing intoxicating liquor came not but made default and the J.E. Sullivan and C.L. Wall were called to come into open court, and bring with them the body of the said Herschell Cooley according to the tenor and effect of their said bond came not but made default neither came the defendant Herschell Cooley nor his said sureties but made default.

It is therefore considered by the court, that the defendant Herschell Cooley, J.E. Sullivan and C.L. Wall for their default do forfeit and pay unto the state of Tennessee the said sum Two Hundred and fifty dollars according to the tenor and effect of their said bond. It is further ordered by the court that Sci. Fa. issue to the defendant and his said sureties requiring them to appear at the next term of this court and show cause if any they have why this judgment should not be made final. And it is further ordered by the Court that ALIAS CAPIAS issue for the defendant.

State of Tennessee
vs. Assault to commit murder in the first degree

Claid Cooper col

In this cause came the Attorney General for the State and the defendant in person and by Attorneys, who, being duly charged and arraigned on said bill of indictment pleads guilty to an assault to commit murder in the second degree Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, to wit: E.J. Work, Dalton Holmes J.F. Rochell J.C. Parks German Ethridge F.N. Scholes W.E. Thomas, Spicer Simpson Walter Simpson Sim Wofford, Jim Woods, and Molton Forest, who, being duly elected, tried and sworn according to law upon their oath do say that they find the defendant guilty of an assault to commit murder in the second degree and fix his punishment at confinement in the county Jail for sixty days It is therefore ordered, adjudged and decreed by the court that for the offense as found by the jury, the defendant be confined in the County jail for a period of sixty days and that he pay or secure 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 further confined in the County Jail until ~~maxpay~~ the same is paid secured or worked out.

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State of Tennessee
vs. X Assault to commit murder in the first degree
J.W. Tubb, X

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 pleads to simple assault but not guilty as to other counts of the indictment.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tenn., to wit: F.N. Scholes, Molton Forest Dalton Holmes, Sim Wofford German Ethridge, J.F. Rochell, Walter Harris John Gun, W.E. Thomas, J.C. Parks, Jim Woods, and Frank Brown, who, being, duly elected, tried and sworn according to law, after hearing all the proof, argument of counsel and the charge of the Court upon their oaths do say that they find the defendant guilty of an assault to commit murder in the second degree and fix and assess his punishment at 60 days in the County Jail and a fine of Three Hundred dollars.

It is therefore ordered, adjudged and decreed by the court that for the offense as found by the jury, the defendant pay or secure a fine of Three Hundred dollars and the costs of this cause for which let execution issue, and be confined in the County Jail for period of sixty days. In the event of his failure to pay or secure said fine and cost he will further be confined until the said fine is paid, secured or worked out. On condition that said fine and costs is secured the Jail sentence is suspended until next Court.

State of Tennessee
vs.)
Jack Curtis) Larceny

In this cause came the Attorney General for the State, and the defendant in person, and by attorney, who, being duly charged and arraigned on said bill of indictment, plead guilty to petite larceny.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County to, wit: E.J. Work Dalton Holmes, J.F. Rochell, J.C. Parks, German Etheridge, F.N. Scholes W.E. Thomas, Spicer Simpson Walter Simpson Sim Wofford Jim Woods, and Molton Forest, who, being, duly elected tried and sworn according to law, after hearing all the proof, argument of counsel and the charge of the Court, on their oath do say that they find the defendant guilty as charged in the first count of the indictment and fix his maximum punishment at 10 days in the county Jail.

It is therefore ordered, adjudged and decreed by the Court that for the offense as found by the jury, the defendant be confined in the County Jail for a period of 10 days, and that he pay the costs of this cause for which let execution issue, and the event of his failure to pay or secure said costs he will further confined in the County Jail or work house until he pay secure or work out all of said costs.

The defendant is also rendered infamous, disqualified to exercise the elective franchise or give evidence in any of the courts of the State.

State of Tennessee
vs.)
Jack Curtis) Larceny

In this case came the Attorney General for the State and the defendant in person and by attorney, who being duly charged and arraigned in said bill of indictment and plead guilty to petite larceny

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County to wit: E.J. Work, Dalton Holmes, J.F. Rochell, J.C. Parks German Ethridge F.N. Scholes

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W.E. Thomas, Spicer Simpson, Walter Simpson, Sim Wafford, Jim Woods, and Molten Forest. who, being duly elected tried and sworn according to law, after hearing all the proof argument of counsel, and the charge of the court upon their oath do say find the defendandant guilty of petite larceny, and fix his punishment at confinement in the county jail for a peroid of 10 days. It is therefore ordered adjudged and decreed by court that for the offense as found by the jury, the defendant ~~may~~ be confined in the county jail for a peroid of 10 day, and that he pay 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 county jail, or work house until he pay secure or work out all of said costs.

The defenant is also rendered afmous, disqualified to exercise the elective franchise or give evidence id any o of the courts of this state.

Benard MFG. Co.

vs.

Lubb-Boren Co.

In this cause came the paintiff by Atty, & move the Court to be allowed to supply the original contract the noteletters filed and deposition taken as evidence in former trial of this cause before a J.P. of Humphreys County, Tenn., as shwen and set out by copy held by W.F. Turner, atty, for plaintiff. all of which the Court has this day granted. This 14th. day of August 1925.

State of Tennessee

vs.

Bob Braden) Carrying a pistol

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

State of Tennessee

vs.

Bob Braden) Drunkenness

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

State of Tennessee

vs.

Will Hooper) False Pretense.

In this case came the Attorney General for the State and it appearing to the Court, that the defenant was indicted at a former term of this court for the offense of False Pretense, and that said defenant was arrested and entered into bond with C.S. Davidson W.S. Miller, and C.W. Turner as sureties, which bond is in the words and figures following to wit: State of Tennessee, Humphreys County, We, Will Hooper agree to pay the State of Tennessee Five Hundred(\$500.00) Dollars unless the said Will Hooper 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 1925, on Tuesday of said term, to answer the State of Tennessee for the offense of False Pretense, and do not depart the court with out leave. Will Hooper Principal C.S. Davidson Surety W.S. Miller Surety C.W. Turner. Approved J.L. Smith Sheriff. This 9 day of Dec. 1924. And the defendant Will Hooper being solemnly called to come into open court and answer the State of Tennessee upon a charge of false pretense came not but made default, and the said C.S. Davidson, W.S. Miller, and C.W. Turner were solemnly called to come open court and bring with them the body of the said Will Hooper according to the tenor and effect of their said bond came not but made default neither came the

Minutes Circuit Court, Humphreys County, August Term, 14 day of August 1925

nor his said sureties but made default. It is therefore considered by the Court that, the defendant Will Hooper C.S. Davidson, W.S. Miller, and C.W. Turner for their said default do forfeit and pay unto the State of Tennessee the said sum of Five Hundred Dollars according to the tenor and effect of their said bond. It is further ordered by the Court that Sci. Fa. Issue to the defendant and his said sureties requiring them to appear at the next term of this court and show cause if any they have why this judgment should not be made final. And it is further ordered by the court that ALIAS CAPIAS issue for the defendant.

State of Tennessee

vs.

Bob Lawrence

) Possessing a still

In this case came the Attorney General for the State and it appearing to the court, that the defendant was indicted at a former term of this court for offense of possessing a still, and that the said defenant was arrested and entered into bond with R.A. Wright, H.W. Ewing Emma Melton, C.C. Patterson E.L. Worley, Jame Crockett as sureties which bond is in the words and figure flowling to wit.

State of Tennessee, Humphreys County, We, agree to pay the state of Tennessee Five Hundred dollars (\$500.00) unless the said Bob Lawrence appear at the next term of the Circuit Court of said County, and from term to term untill the case is finally disposed of, to answer for the offense of owning and operating a still, and does not depart the court without leave. Witness our hands, this the 14. day of July 1924 Bob Lawrence R.A. Wright H.W. Ewing Emma Melton C.C. Patterson E.L. Worley James Crockett.

Approved.----- And the defendant Bob Lawrence being solemnly called to come into open court, and answer the State of Tennessee for the offense of owning and operating a still came not but made default, and the said R.A. Wright H.W. Ewing Emma Melton Jas. Crockett C.C. Patterson E.L. Worley, were solemnly called to come into open court and bring with the body of the said Bob Lawrence according to the tenor and effect of their said bond came not but made default neither came defendant Bob Lawrence nor his said sureties but made default. It is therefore considered by the Court, that the defendant Bob Lawrence R.A. Wright, H.W. Ewing Emma Melton C.C. Patterson Jas. Crockett, E.L. Worley for their said default do forfeit and pay unto the State of Tennessee the said sum of Five Hundred Dollars according to the tenor and effect of their said bond. It is further ordered by the court that Sci. Fa. Issue to the defenant and his said sureties requiring 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 it is further ordered by the Court that ALIAS CAPIAS issue for the defendant.

J.A. Gray

vs.

Willien B. Gray

) In Circuit Court Humphreys County, Tennessee.

In this cause it appearing that by order of the Court the defenant Willien B. Gray was to have the custody of J.A. Gray, III for a peroid of thirty days once each year, to visit her in ^{the State} Alabama upon executing bond in the sum of Five Thousand Dollars, and it further appearing that bond was executed by the said Willien B. Gray with the United State Fidelity & Guananty Company, as surety, and said J.A. Gray, III, was delived over to the said Willien B. Gray on June 1, 1925, and returned to the said J.A. Gray, his father, as provided in said decree, and the principal having complied with the conditions of said bond, it is therefore ordered and decreed that bond heretofore given be canceled and delivered up to the United Fidelity & Guananty Company, surety and Willien B. Gray, principal, and that all liability upon said bond is canceled and discharged Ok. A.W. Stovall Jno. E. Garner Atty for defenant.

State of Tennessee

vs.

Raymond Chambers) B.D.
& Jim Dodson)

In this case came the Attorney General for the State and the defendant Raymond Chambers 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, Tenn. to wit: F.N. Scholes, Dalton Holmes Jim Woods, Walter Simpson, A.A. Wood, Spicer Simpson J.W. Dun, German Ethridge J.F. Rochell, W.E. Thomas, J.C. Parks, and Molton Forest., who, being, duly elected tried and sworn according to law, after hearing all the proof, argument of counsel and the charged of the Court upon their oath do say they find the defendant Raymond Chambers guilty as charged. Thereupon the Court assesses the penalty and say he shall pay a fine of \$100.00 together with all the costs then came into open court J.A. Adams, and John Chambers, and entered their names as sureties for all of said fine and costs, but said fine is suspended.

It is therefore ordered, adjudged and decreed by the Court that the State of Tennessee recover of the defendant and his sureties all the costs in this cause for which let execution issue. And that ALIAS CAPIAS issue for the defendant Jim Dodson.

State of Tennessee

vs.

Charley Baker) Carrying a pistol

In this cause the court ordered ALIAS CAPIAS issued for the defendant.

State of Tennessee

vs.

Gip Crowell) D.W.

In this case came the Attorney General for the State, And it appearing to the court that the defendant was indicted at a former term of this court for the offense of disturbing worship, and that said defendant was arrested and entered into bond with J.F. Cunningham A.C. Vaden as sureties, which bond is in the words and figures following to wit. State of Tennessee, Humphreys County, We, Gip Crowell J.F. Cunningham and A.C. Vaden, agree to pay the State of Tennessee, Two Hundred Fifty dollars unless the said Gip Crowell 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 ----- Monday in Dec. 1924, on Tuesday of said term, to answer the State of Tennessee for the offense of disturbing worship, and do not depart the Court without leave. Gip Crowell Principal J.F. Cunningham Surety, A.C. Vaden Surety. Approved

----- Sheriff.

And the defendant Gip Crowell being solemnly called to come into open court and answer the State of Tennessee, upon a charge of disturbing worship came not but made default and the said J.F. Cunningham, and A.C. Vaden were called to come into open court and bring with them the body of the said Gip Crowell according to the tenor and effect of the said bond came not but made default neither came the defendant Gip Crowell nor his said sureties but made default. It is therefore considered by the Court that the defendant Gip Crowell J.F. Cunningham and A.C. Vaden for their said default do forfeit and pay unto the State of Tennessee the said sum of Two Hundred Fifty

Dollars according to the tenor and effect of their said bond. It is further ordered by the court that Sci. Fa. issue to the 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 it is further ordered by the Court that ALIAS CAPIAS issue for the defendant.

State of Tennessee

vs.

Gracial Damworth) Disturbing worship.

In this case came the Attorney General for the State and the defendant Gracial Damworth 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. E.J. Work, Dalton Holmes, J.F. Rochell, J.C. Parks, German Ethridge F.N. Scholes, W.E. Thomas, Spicer Simpson, Walter Simpson Sim Wafford, Jim Woods and Molton Forest, who being duly elected tried and sworn according to law, after hearing all the proof, upon their do say they find the defendant not guilty.

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

State of Tennessee

vs.

Ed Dredan) B.D.

In this case came the Attorney General for the State, and it appearing to the Court, that the defendant was indicted at a former term of this court for the offense of transporting liquor, and that said defendant was arrested and entered into bond with J.W. Crowell and J.F. Cunningham as his sureties which bond is in the words and figures following to wit: State of Tennessee, Humphreys County, We, Ed Dredan J.W. Crowell and J.F. Cunningham Two hundred fifty \$250.00 agree to pay the State of Tennessee /\$250.00xFive Hundred Dollars unless the said Ed Dredan appear at the next term of the Circuit Court of Humphreys County, to be held at the court house in the town of Waverly, on the 2nd. Monday in December 1924, on Tuesday of said term, to answer the State of Tennessee for the offense of possessing liquor and do not depart the court without leave. Ed Dredan principal J.W. Crowell Surety J.F. Cunningham. Approved J.C. Thomas Sheriff.

And the defendant Ed Dredan being solemnly called to come into open court and answer the State of Tennessee, upon a charge of disturbing Possessing Liquor came not not but made default and the said J.W. Crowell and J.F. Cunningham were solemnly called to come into open court and bring with them the body of the said Ed Dredan according to the tenor and effect of their said bond came not but made default neither came the defendant Ed Dredan, but made default. It is therefore considered by the court defendant Ed Dredan J.W. Crowell and J.F. Cunningham 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. It is further ordered by the court that Sci. Fa. Issue to the 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 it is further ordered that ALIAS CAPIAS issue for the defendant.

Minutes Circuit Court, Humphreys County, August Term, 14 day of August 1925

State of Tennessee)
vs.) B.D.
H.C. Thompson et, al,)

In this case came the Attorney General for the State and the defendant H.H. Hopkins in person and plead guilty as charged. Thereupon the Court assess the penalty and say he shall pay a fine of One Hundred 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. And the case is continued as to H.C. Thompson because of illness of the defendant.

State of Tennessee)
vs.) A.B.
Will Davis)

In this case comes the Attorney General, 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 go hence without day.

State of Tennessee)
vs.) Motion to retax costs
Lenard Tucker)

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 Treasury of the State, and that the Clerk of this Court make out and certify the same the County Judge for payments as the law directs.

State of Tennessee)
vs.) Motion to retax costs
Bill Moore)

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 part accruing upon the part of the State, be allowed and paid out of the Treasury of the County, and that the Clerk of this Court make out and certify the same to the County Judge for payment as the law directs.

State of Tennessee)
vs.) Motion to retax costs
Gussie Brake)

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 cost 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 of the County of Humphreys, and that the Clerk of this court make out and certify the same to the County Judge for payment as the law directs.

Minutes Circuit Court, Humphreys County, August Term, 14 day of August 1925

State of Tennessee)
vs.) Motion to retax costs
Jodie Adams)

In this cause came the Attorney General for the State and it appearing to the court ~~that~~ from the return of the Sheriff upon an execution issued to him by the Clerk of this Court against the estate of the defendant/that the costs of 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 Treasury of County, and that the Clerk of this court make out and certify the same the County Judge for payment as the law directs.

came
This day/into open court R.C. Carnell, and present and read in open court his account against the State of Tennessee, for boarding jury in the case of State against R.P. Holland, which account is (\$7.00) Seven Dollars, which account is allowed and/ordered paid
\$7.00

SHERIFF'S BOARD BILL FOR BOARDING PRISONERS CHARGED WITH FELLONIES.

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

25 1925 Apr. 7.
Jack Curtis Larceny April 12 to Aug. 12 1925 107 days \$80.25 1 Turn Key \$1.00 \$81.25
Bud Barr Age consent Apr. 25 to May 3, to May 4 2 days \$1.50 " " \$2.00 \$3.50
J. Summers Larceny Aug. 16 1923. July 24, to Aug. 13 21 days \$14.75 1 turn key \$1.00
\$16.75 Total \$101.50

State of Tennessee

vs.) Larceny
J. Summers Col.)

In this case came the Attorney General for the State and the defendant in person and by attorney, who being duly charged and arraigned on said bill of indictment, pleads guilty to Petite Larceny.

Thereupon to try the issue joined came a jury of good and lawful men of Humphreys County to wit: E.J. Work, Dalton Holmes, J.F. Rochell, J.C. Parks, German Ethridge F.N. Scholes, W.E. Thomas, Spicer Simpson, Walter Simpson, Sim Wafford, Jim Woods, ad and Molton Forest, who, being, duly elected tried and sworn according to law upon their oath do say that they find the defendant guilty of ~~xxxxxxsanitixxxxxmitxxxxxxx~~ Petite Larceny, and fixed his punishment at confinement in the county jail for a period of 30 days.

It is therefore ordered adjudged and decreed by the court that for the offense as found by the jury the defendant be confined in the county jail for a period of 30 days and that he pay the costs of this cause, for which let execution issue, and in the event of his failure to pay or secure said costs he will be further confined in the County Jail or work house until he pay secure or work out of said costs. The defendant is also rendered infamous, disqualified to exercise the election franchise or to give evidence in any of the Court of the State

C.E. Young admr.)
vs. (Appealed J.P.

B.W. Watson et, al, (In this cause came the parties, when this suit is compromised and settled out of court at the costs of the defendants.

It is therefore ordered, adjudged and decreed by the court that the plaintiff recover of the defendants and their sureties on ^{their} appeal bond to wit J.W. Smith and J.H. Patrick the costs of this suit for which let execution issue.

Ira Averitt)
vs.) In the Circuit Court of Humphreys County, Tennessee,
S.W. Taylor & Co.)

The defendant moved the Court to grant them a new trial in this case upon the following grounds:

MOTION

Ira Averitt)
vs.) Circuit Court Humphreys County, August term 1925.
S.W. Taylor & Co.)

The defendant moved the Court, for a new trial, and in support of the motion assigns the following errors committed in the trial of the cause against them.

I

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

II

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

III

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

IV

The verdict of the jury is so large and so contrary to the weight of the evidence that was unmistakably based upon caprice, prejudice and whims of the jury.

V.

The verdict of the jury was erroneous because it was clearly established by the evidence that the plaintiff had breached the contract before any alleged breach by the defendant, in that he had not manufactured the staves within the time, and up to the full length and specifications required by the contract, which was admitted by the plaintiff himself as a witness in his own behalf on the witness stand in the trial of the cause, and further because the proof clearly established the fact that the written contract sued on had been abrogated by the parties thereto long before suit was brought and a new agreement entered into with reference to the staves in question all of which would preclude the plaintiff from recovery in this cause, and all of which which was, capriciously and whimsically ignored by the jury, and also ignored because of their prejudices against the defendants.

VI.

The plaintiff was called as a witness in his own behalf and was allowed to state over objections of the defendants, on re-direct examination in a conversation with a fellow up and inspecting the staves for purchasers of the same that this fellow stated to him that on a fourth of an inch was allowed in length of the staves under the Rules of the national association

The court admitted this conversation between "this fellow" and the plaintiff on the grounds that this fellow" was defendants' agent. The plaintiff again was called in rebuttal as a witness in his own behalf and stated that the staves were measured with steel tape and they would vary a one fourth of an inch, and the inspector said the staves' association would let them vary a fourth of an inch (meaning a variation of a fourth of an inch in length, all of which evidence was illegal and incompetent. The inspector taking up the staves and measuring them was not the agent of the defendants but was only an employe of the purchaser, and it is not shown that he knew the rule or custom in taking up and inspecting such staves. This evidence was prejudicial to the defendants because the plaintiff admits the staves were a quarter of an inch short of the contract length, and he seeks to avoid the effect of this variation by quoting the statement of some one who it is not shown knew the rule of the variation and who was not an agent of these defendants nor authorized to speak for them, either expressly or impliedly, and it is the only evidence in the record that gave the jury any basis for a finding of fact that a quarter of an inch variation of the length of the staves was permissible.

Every other witness in the record who knew rule of variation, both of stave dealers and cooperage companies who handled such staves as were involved in this case show that only a variation of of sixteenth to one eight of an inch in length is permissible under the rule of inspection, and but for this evidence the jury could have found no other verdict but the plaintiff himself was the first to breach the contract. This evidence was further erroneous because it was shown by the witness Parks that the staves in question were sold to S.N. Nelson, of Memphis Tennessee, and that he never saw them and that he sold them to the Chickasaw Cooperage Co., who took the staves and made the final inspection of them.

because of the foregoing errors the defendants ask that the verdict of the jury be set aside and that they be given a new trial. J.E. Tubb J.F. Shannon Attorneys for Defendants.

and after argument of the same it is by the court overruled to which ruling the defendants except.

The defendants then moved an arrest of judgment which was likewise over ruled by the court to which defendants except.

Thereupon the defendants pray an appeal an appeal in the nature of a writ of error to the next term of the Court of Appeals at Nashville, Tenn., and for good and sufficient reason appearing to the court the defendants are allowed thirty days from the adjournment of this court in which to make an appeal bond and in which to prepare and file their Bill of Exceptions, and said appeal is granted by the court upon condition said bond is made, etc.

Ira, Averitt
vs.)
S.W. Taylor & Co. (In the Circuit Court for Humphreys County, Tennessee.

The defendants tender their bill of exceptions to the judgment of the Court overruling their motion for a new trial, which being signed and sealed by the court: it is ordered to be made a part of the record.

State of Tennessee

vs.

Mis:-

Jim Mc Gee

In this case came the Attorney General for the State and the defendant in person and by attorneys, and plead not guilty, and by agreement with the Attorney General and the defendant this case is tried by the Court without the intervention of a jury, who after hearing part of the evidence in this, the Court is of the opinion, and so ordered adjudge and decrees that this case be dismissed and that the defendant be discharged, and go hence without day.

The following cases were continued until the next term of court.

J.L. Carroll against L.E. Brown et, al. Condemnation, G.S. Bone against W.N. Phebus Condemnation, G.S. Bone and Son, against C.E. Phebus Condemnation, L.V. Slayden against J.L. Hedge Plea of debt due by account. The City of McEwen against P.C. Thomas.

IN THE CIRCUIT COURT OF HUMPHREYS COUNTY.

WESTERN UNION TELEGRAPH COMPANY

vs.

NASHVILLE, CHATTANOOGA & ST. LOUIS

RAILWAY, ET. AL. In this case it appearing by admission of counsel for both parties, that further proceedings herein have been enjoined in what is known as the consolidated case pending in the Circuit Court of Davidson County and that no further proceedings herein can be taken until final disposition of said consolidated cause.

And it further appearing that the costs have been paid to this date by the Western Union Telegraph Company upon the application of the Clerk of this Court, therefore the court doth of its own motion direct that the case be retired from the trial docket, with the right to either party hereafter, upon application, to have the case restored to the trial docket for such further proceedings as may be lawful.

J.D.G. Norton Judge.

State of Tennessee

vs.

E.D.

Albert Sinton

It appearing to the Court that the sentence/imposed on the defendant at a former term of this court, and suspended until this term of court be and the same is hereby made final.

It is therefore ordered adjudged and decreed by the Court that the defendant be confined in the County jail for a period of 30 days.

Court then adjourned until court in course.

J.D.G. Norton Judge.

STATE OF TENNESSEE

CAPTION DECEMBER TERM CIRCUIT COURT A.D. 1925

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, Tennessee on the 14th. day of December, it being the 2nd. Monday in said month, and the One Thousand Nine Hyndred and Twenty fifth of our Lord, and the One Hundred and Fiftieth year of American Independence.

Present and presiding the Hon. J.D.G. Norton, Judge of the 9th. Judicial District of the State of Tennessee.

In due form of law Court was opened by J.L. Smith Sheriff, 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 October term 1925 to appear and to serve as jurors at this present term of this court to wit: Scott Smith, Andrew Richardson Clarence Gwin, Charley Summers, Clifford Patterson, Will Cantrell, Talmage Mims J.R. Perkins, L.E. Rawlings J.A. Tomlinson, A.J. Jones, George Brown J.R. Patterson Carroll Curtis Henry Beasley, J.D. Tubb, T.K. Simpson Billie Rice W.E. Cannon, W.H. Willhite, Wyly Hand, J.C. Wright, R.F. Ingram, and Clayton Pace, and it appearing to the Court that the above named parties were regularly summoned, by the Sheriff of Humphreys County, Tennessee, and that said jurors so summoned appeared and answered said summons except W.T. Cannon, W.H. Willhite, Clifford Patterson, J.D. Tubb, Henry Beasley T.K. Simpson, who were excused by the Court for various causes, and out of said jurors so summoned and appearing here drawn a Grand Jury to wit: J.C. Wright W.R. Hand, C.E. Gwin, R.F. Ingram, N.C. Curtis A.J. Richardson, W.P. Rice, A.J. Jones, L.E. Rawlings, J.R. Patterson, G.W. Brown, and C.A. Summers, and P.J. Fuqua 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 according to law retired to their room in charge of their sworn officer to wit J.C. Thomas a Constable of Humphreys County, Tennessee, who had been previously sworn according to law to attend them in considering

indictments and presentments.

W.C. Turner as next friend

of G.B. Turner.) Damage

vs.

C.C. Patterson et, al,

In this cause comes the plaintiff and dismisses this case and pay the costs all matters/being ended and disposed of.

The following cases were continued until the next term of the Court.

J.L. Carroll against L.E. Brown et, al, G.S. Bone against W.N. Phebus, G.S. Bone and Son against C.E. Phebus, Walter Harris against James Hargrove et, al, Jess L. Byrn against J.R. Hatley. Union Mercantile Co. against H.H. Ross et, al,

W.B. Murphree)
vs,) Appealed J.P.

Mabel Holland et, al, (In this case came the parties before the Clerk of this Court when this case is compromised and settled out of Court at the cost of the defendant. It is therefore considered by the Court that the plaintiff recover of the defendant the costs of this cause except the State and County Tax which does not accrue, for which let execution issue.

The following case Alias Capiases were ordered issued for the defendants.
State of Tennessee vs. John Arington, A.B. State of Tennessee vs. Toad Mathewss
B.D. State of Tennessee vs. Bob Lawrence M. Liquor, State of Tennessee vs. Chas Legon, Drunkenness, State of Tennessee vs. John H. Scott M. Liquor, State of Tennessee vs. Paul J. Wright, Disturbing Worship, State of Tennessee vs. Finis Hendrix Drunkenness
State of Tennessee vs. John Montgomery drunkenness, State of Tennessee vs. C.S. Colston removing mortgaged property from State, State of Tennessee vs. W.E. Murphree Forgery
State of Tennessee vs. W.E. Murphree Forgery, State of Tennessee vs. Chas Summers
State of Tennessee vs. W.C. Tinnell Forgery State of Tennessee vs. W.C. Tinnell Forgery
State of Tennessee vs. Charley Baker Carrying a pistol, State of Tennessee vs.
Walter Binkley et, al, M. Liquor, State of Tennessee vs. Bobbie Elvington disturbing worship, State of Tennessee vs. Bobbie Elvington Carrying a pistol, State of Tennessee
F.C. Hudson Mis. State of Tennessee vs. Dave Smith Bigamy State of Tennessee vs. Will Palmer Burglary, State of Tennessee vs. Will Palmer Burglary.

State of Tennessee)
vs.) B.D.
Peté Morris)

In this case came the Attorney General for the State and the defenant in person, and plead guilty as charged. Thereupon the Court assess the nonalty and say he shall pay a fine of One Hundred 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 for work house until he pay secure or work out all of said fine and costs

State of Tennessee)
vs.) B.D.
Charlie Turner)

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 One Hundred Dollars together with all the costs then came into open court W.C. Turner and W.A. Edwards and entered their names as s ret 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) Age consent.
Claud Triplett)

In this case came the Attorney General for the State, and sates to to the Court that he desires that a Nolle Prosequi be entered in this case upon the defendant paying or securing the costs in this case.

Then came into open court Thomas Triplett the father of the defendant and paid to the Clerk of this Court all the costs in this case.

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.

J. H. Clayton Judge,

Court met pursuant to adjournment present and presiding the J.D.G. Morton Judge etc. The following good and lawful men were appointed by the court to serve as jurors at the present term of this court. G.W. Ethridge, Jno. Lucas Brown Morrissett Frank Brown Jim Parker and Walter Mims.

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

One against Britton Townsend which indictment is in the words and figures following to wit: State of Tennessee Humphreys County, 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 Britton Townsend heretofore to wit, on the 22nd. day of Aug. 1925, in the County aforesaid said, unlawfully and feloniously did steal, take and carry away cails, Sharp Plug wires, tires and wires, connecting hose and clamps, belonging to Automobile and one screw driver & 1hr pliers of the value of twelve dollars, of the property of R.H. McKeels 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. Dec. Term 1925. THE STATE vs. Britton Townsend Larceny R.H. McKeel Prosecutor, Subpoena for the State R.H. McKeel, Cliff Hooper & Will Smith. Witnesses sworn by me on this indictment before the Grand Jury Dec. Term 1925 P.J. Fuqua Foreman Grand Jury Jno. B. Bowman Attorney General. A TRUE BILL P.J. Fuqua Foreman Grand Jury.

One against Carmack Tucker Larceny, which indictment is in the words and figure following to wit: State of Tennessee, Humphreys County. Dec. Term of Circuit Court A.D. 1925. 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 Carmack Tucker of said County, heretofore, to wit on the 17th. day of Aug. 1925, in the County aforesaid unlawfully and feloniously, did steal, take and carry away one star Automobile of the value of Three Hundred Dollars, the property of Porter Taylor 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.

Dec. Term 1925 THE STATE vs. Carmack Tucker Larceny Porter Taylor Prosecutor Subpoena for the State Porter Taylor, Sam Rushing J.L. Smith Claud Harris. Witnesses sworn by me on this indictment before the Grand Jury Dec. Term 1925 P.J. Fuqua Foreman Grand Jury Jno. B. Bowman Attorney General A TRUE BILL P.J. Fuqua Foreman Grand Jury.

One against E.L. Sutton Mis. Subpoena for the State J.L. Smith, Len Stanfield and J.R. Morris.

One against Will Hughey B.D. Subpoena for the State Joe Brandon, Geo. Rosley G.B. Smith, Duncan Story, J.C. Thomas, Elmer Buchanan.

One against Will Hughey M. Liquor etc. Subpoena for the State G.B. Smith, J.C. Thomas, Duncan Story, Curtis Brown Elmer Buchanan.

One against Elmer Buchanan B.D. Subpoena for the State G.B. Smith, Duncan Story, V. Brewer,

One against Tad Morris, B.D. Subpoena for the State J.N. Alexander, G.G. Garner, Jess D. Lynn, B.H. Parker, V. Brewer.

One against Tad Morris B.D. Subpoena for the State Chas Baugus, R.L. Richardson Lieben Richardson Clarence Alexander.

One against Joe Edwards and Willie Brown M. Liquor etc. Subpoena for the State Ben Smith, V. Brewer,

One against Junus Carroll col. B.D. Subpoena for the State G.B. Smith J.C. Thomas.

One against Tad Morris B.D. Subpoena for the State G.B. Smith, Duncan Story, V. Brewer J.L. Smith J.C. Thomas, W.H. Bates.

One against Pete Morris and Odie Chapple B.D. Subpoena for the State G.B. Smith Len Stanfield,

One against Josh Morel and Jno. Diviney B.D. Subpoena for the State G.B. Smith J.C. Thomas, V. Brewer.

One against Arthur Witherspoon B.D. Subpoena for the State G.B. Smith W.J. Fields J.L. Smith.

One against Tyly Morrissett B.D. Subpoena for the State R.L. Rough, G.T. Smith V. Brewer

One against Curtis Brown B.D. Subpoena for the State G.B. Smith, Duncan Story J.C. Thomas, V. Brewer.

One against Jess Reed Col. Carrying a pistol Subpoena for the State Tom Brown Col. Ernest Wilkins col, Claud Cooner Col.

The following cases were continued until the next term of the court. State vs. Walter Miller and Jim Miller, Profanity, State vs. Walter Miller Drunkenness, Jim Miller Drunkenness, Jim Miller Carrying a pistol.

State of Tennessee
vs.
D.E. Cooley
Cruelty to animals

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 cost, then came into open court Mrs. D.E. Cooley and Vance Cooley, 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.

State of Tennessee
vs.
R.P. Holland
Assault with intent to commit murder in the first degree

This continued by the State until the next term of this court on account of the absence of Levi Taylor.

The following cases were continued until the next term of court
State vs. H.C. Thompson, B.D. State vs. H.C. Thompson Drunkenness State vs. E.V. Diviney Mis. State vs. Josh Howe et al, B.D. State vs. Tyly Morrissett State vs. E.L. Sutton State vs. Joe Edwards and Willie Brown Continued on account of illness of Mrs. Brown as Willie Brown and Continued on a plea of guilty as to Joe Edwards. State vs. Grady Chance.

State of Tennessee

vs.

Ed Dreaden and Gip

Crowell

In this cause came 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 pleads not guilty. Thereupon to try the issue joined came a jury of good and lawful men of Humphreys County to wit: Jim Parker, Frank Brown, J.R. Perkins, Will Cantrell, J.A. Tomlinson, Brown Morrisett, Dave Warren, Nathaniel, Scott Smith, John Lucas, G.W. Ethridge, J.F. Hooper, who being duly elected tried and sworn according to law upon their oath do say after hearing all the proof argument of counsel and the charge of the Court upon their oath do say they find the defendant guilty as charged in said bill of indictment.

Thereupon the Court assess the penalty and say that each of the defendants shall pay a fine of One Hundred Dollars together with all the costs, and be confined in the County Jail or work house for a period of 90 days, and in the event of their failure to pay or secure said fine and costs they will be further confined in the county jail or work house until they pay secure or work out all of said fine and costs.

State of Tennessee

vs.

Roscoe Latimer

Disturbing worship.

In this cause came the Attorney General for the State and the defendant in person and by attorney who being duly charged and arraigned on said bill of indictment plead not guilty thereupon to try the issue joined came a jury of good and lawful men of Humphreys County to wit: Brown Morrisett, Tap Mims, Scott Smith, John Lucas, G.W. Ethridge, Walter Mims, J.A. Tomlinson, Will Cantrell, J.R. Perkins, Frank Brown and W.R. Box, who being duly elected, tried and sworn according to law, who after hearing all the proof, argument of counsel, and the charge of the Court, who upon their oath do say they cannot agree upon a verdict in this case. It is therefore ordered adjudged and decreed by the Court that a mistrial be entered in this, and the jury be discharged, and the case be continued until the next term of this court.

State of Tennessee

vs.

W.R. Baker

B.D.

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 One Hundred Dollars together with all the costs, 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.

State of Tennessee

vs.

W.R.

Baker

Tippling

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 One Hundred Dollars together with all the costs, and be confined in the County Jail for period of 30 days, and in the event of his failure to pay or secure said fine and costs he will be further 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.

Oce Craft

B.D.

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 One Hundred 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 work out all of said fine and costs.

State of Tennessee

vs.

Red

Doland

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 work out all of said fine and costs.

State of Tennessee

vs.

Red

Dolan

B.D.

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 One Hundred 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.

Dewey, Montgomery

B.D.

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 One Hundred Dollars together all the costs, there came into open court W.B. Montgomery and entered his name as surety for all of said fine and cost. It is therefore ordered adjudged and decreed by the court that the state of Tennessee recover of the defendant and his surety all of said fine and cost for which let execution issue.

State of Tennessee
vs. B.D.
W.E. Matlock

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 One Hundred 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 pay secure or work out all of said fine and costs.

State of Tennessee
vs. M. Liquor.
Wake Shelton and Will Luther

In the case came the Attorney General for the State and the defendants in person, and plead guilty as charged. Whereupon the court assess the penalty and say they shall pay a fine of Two Hundred Dollars each together with and 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 fine and costs they will be further confined in the county jail or work house until they pay secure or work out all of said fine and costs.

State of Tennessee
vs. B.D.
Jimmie Burns

In this case came the Attorney General for the State and the defendant in person plead guilty as charged. Thereupon 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 James Burns and J.T. Bradley 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. B.D.
Pete

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 One Hundred 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. Disturbing worship.
Scott Shanks

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 M.S. Shanks and T.B. Shanks 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
Curtis Brown vs. B.D.

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 One Hundred 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. B.D.
Elmer Buchanan

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 One Hundred 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. B.D.
Tad Morris

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 One Hundred 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. B.D.
Tad Morris

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 One Hundred Dollars together with all the costs and confine in the county jail for a period of 60, and in the event of his failure to pay or secure said fine and costs he will be further 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. B.D.
Tad Morris

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 One Hundred 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 cost.

State of Tennessee
vs. Carrying a pistol
Jess Reed col'

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 Fifty Dollars together with all costs, and be confined in the County jail for period of 30 days and in the event of his failure to pay or secure said fine and costs he will be further confined in the county jail or work house until he pay secure or work out all of said fine and costs.

Minutes Circuit Court, Humphreys County, December Term, 15 day of December 1925

State of Tennessee)
vs.) B.D.
Junus Carroll col.)

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 One Hundred 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.) B.D.
Jim Dotson)

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 One hundred 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 work out all of said fine and costs.

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

J.D. Morton Judge.

Minutes Circuit Court, Humphreys County, December Term, 16 day of December 1925

Court met pursuant to adjournment, present presiding the Hon. J.D.G. Morton Judge etc.

State of Tennessee)
vs.) Murder
John Crowell)

In this case came the Attorney General for the State and the defendant in person and by attorneys, who being duly charged and arraigned on said bill of indictment, plead not guilty. Thereupon, the following good and lawful men of Humphreys County were legally selected as jurors, to wit: Sam Ethridge, H.C. Dudley Joe King, C.E. Bratcher, C.E. Young, C.E. Pevitt, Nert Nesbrook E.B. Schmidt W.C. Long, Jim Wheeler, and W.M. Trizell, and there not being time to complete the selection of the jury they were respited by the Court until tomorrow morning at 9 o'clock and said jurors retired in charge of W.L. Fields and Vernon Brewer, their sworn officers who had been previously legally sworn to attend them and who had them in charge.

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

J.D. Morton Judge.

Court met pursuant to adjournment, present and presiding the Hon. J.D.G. Morton.

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

One against Curtis Brown Larceny which indictment is in the words and figure following to wit: State of Tennessee, Humphreys County December Term of Circuit Court, A.D. 1925 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 Curtis Brown of said County heretofore, to wit, on the 10th. day of Sept. 1925, in the County aforesaid, unlawfully, and feloniously did steal, take and carry away 1 lot Grape Juice or wine of the value of one dollars the property of J.C. Dunaway 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. Dec. Term, 1925 THE STATE vs. Curtis Brown Larceny J.C. Dunaway Prosecutor Subpoena for the State J.C. Dunaway Mrs. J.C. Dunaway C.D. Dunaway, witnesses sworn by me on this indictment before the Grand Jury Dec. Term 1925 P.J. Fuqua Foreman Grand Jury Jno. B. Bowman Attorney General. A True BILL P.J. Fuqua Foreman Grand.

One against Curtis Brown Profane Language. Subpoena for the State J.C. Dunaway Mrs. J.C. Dunaway C.D. Dunaway.

State of Tennessee,

vs.

Alfred Ballard

J.D.

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, and go hence without day.

J.A. Slayden

vs.

J.L. Hedger

Came the parties in their own proper person and by attorneys when this case came on to be and was heard upon this day by the Hon. J.D.G. Morton, Judge without the intervention of a jury, when the court after hearing and full consideration the same is of the opinion that the plaintiff has failed to make out his case or show that he is entitled to recover upon the account sued upon, that the evidence shows that plaintiff received credit for the account sued upon, upon the \$1500.00 note mentioned in the evidence and executed by plaintiff and others to the defendant and that plaintiff is not entitled to recover in this case.

It is therefore considered by the Court that plaintiff's suit be and the same is dismissed and that defendant recover of the complainant and J.A. Slayden the surety upon his prosecution and appeal bonds -all the cost of this case for which execution will issue

State of Tennessee,

vs.

John Crowell

Murder

In this cause came against the Attorney General for the State and the defendant in person and by his attorneys, when the jurors heretofore selected in this cause, to wit: Sam Ethridge, H.C. Dudley, Joe King, C.E. Bratcher, C.E. Young C.E. Peritt, Newt Westbrook E.B. Schmidto, W.E. Long, Jim Wheeler, W.M. Frizell having returned into open court in charge of their sworn officers W.J. Fields and Vernon Brewer, when the selection of a juror in this case was resumed and Jim Baker a good and lawful man/was legally selected as a juror, and said jury having been completed, duly elected, tried and sworn -according to law and this case/proceeded with but the evidence in this case not being completed the said jury was resited by the Court, until tomorrow morning at 8. o'clock, and the said jury retired in charge of their sworn officers. W.J. Fields and Vernon Brewer.

Court then adjourned until tomorrow morning at 8. o'clock.

J.D.G. Morton Judge

Court met pursuant to adjournment, present and presiding the Hon. J.D.G. Norton Judge.

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

One against Tad Morris Assault and Battery, Subpoena for the State Dave Simmons Ross Jackson J.N. Alexander.

One against John Henry Ethridge Drunkenness, Subpoena for the State G.V. Merideth H.D. Estus.

One against Dalton Turner B.D. Subpoena for the State D.B. McCann, V. Brewer.

One against John Warden Disturbing worship, Subpoena for the State O.O. O'Guinn, C.A. Carter, Bert Scholes G.W. Damworth, Horner Webb.

One John Diviney Drunkenness, Subpoena for the State J.F. Gibbons, Jno. Wheeler Roy Durham J.P. Wheeler.

One against Jno. Warden Drunkenness, Subpoena for the State O.O. O'Guinn, C.A. Carter Bert Scholes G.W. Damworth, Horner Webb.

State of Tennessee

vs.

Carmack Tucker) Larceny

In this cause came the Attorney General for the State and the defendant in person and by attorneys, who being duly charged and arraigned on said bill of indictment pleads guilty to Grand Larceny. Thereupon came a jury of good and lawful men of Humphreys County, to wit: W.C. Pace Scott with Will Coatwell Talmage Mims, J.H. Perkins J.A. Tomlinson, G.V. Etheridge Jno. Lucas, Ernie Goodizer Frank Brown, Jim Parker and Walter Mims, who being duly elected tried and sworn according to law after hearing all the proof, argument of counsel and the charge of court upon their oath do say that they find the defendant guilty of larceny as charged in said bill of indictment, and fix his punishment at a term of four years in the State Training and agricultural School for Boys.

It appearing to the court that the said Carmack Tucker was 16 years old February 3, 1925. It is therefore ordered adjudged and decreed by the Court that for the offense as found by the Jury, he be confined in the State Training, and agricultural School for Boys for a period of four years and that he pay the costs of this cause for which let execution issue.

State of Tennessee

vs.

John Crowell) Murder

In this cause came again the Attorney General for the State and the defendant in person and by attorneys, when the jury heretofore selected tried and sworn according to law, to wit. Sam Ethridge, H.C. Dudley Joe King, C.E. Bratcher, C.E. Young C.E. Peritt, Newt Mesbrook E.B. Schmitt W.E. Long Jim Wheeler M.N. Frizell and Jim Baker, having returned into open court in charge of their sworn officers W.J. Fields and Vernon Brewer, and having resumed the consideration of this cause, and after hearing all the proof, argument of counsel, and the charge of the Court, but not having time to complete their verdict, said jury was respite by the court until tomorrow morning at 9 o'clock, and said jury retired in charge of their sworn officers aforesaid.

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

J.D. Morton
Judge.

Hoyt Johnson)
vs.)
Betty Johnson)

In this cause on motion of the complainant, and it duly appearing to the Court that the defendant Betty Johnson, has been regularly served with Summons to answer the complainant's bill more than five days before the first day of the term of Court, and that the said Betty Johnson has failed to appear, and make defense to said bill, within the time required by law, it is ordered as to her that Complainant's bill be taken for confessed, and the cause set for hearing EX PARTE.

This cause came on to be heard this December 19 1925 before J.D.G. Morton, Judge of the Circuit Court, upon the bill of the complainant, Hoyt Johnson, the confessor heretofore entered against the defendant and the oral testimony of witnesses examined in open Court.

And it satisfactorily appeared to the Court that the facts charged in the bill are true that the defendant had willfully deserted the complainant, without a reasonable cause for more than two whole years before the filing of the bill as charged, and that the complainant gave the defendant no cause or just excuse for her misconduct.

It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony subsisting between the complainant and the defendant be absolutely and forever dissolved. And that the plaintiff pay the costs of this suit for which execution may issue.

Tera Dunaway)
vs.)

C.D. Dunaway)

In this cause on motion of complainant, and it duly appearing to the Court that the defendant C.D. Dunaway, has been regularly served with summons more than five days before the first day of this term of Court to answer the complainant's bill, and that the said C.D. Dunaway has failed to appear and make defense to said bill within the time required by law, it is ordered that as to him, complainant's bill, be taken for confessed, and the cause set for hearing EX PARTE.

Tera Dunaway)
vs.)
C.D. Dunaway)

This cause came on to be heard this December 19, 1925 before J.D.G. Morton, Judge, of the Circuit Court, upon the bill of the complainant's Tera Dunaway and the PRO CONFESGO. heretofore entered against the defendant and the oral testimony of witnesses examined in open court.

And it satisfactorily appears to the Court the facts charged in the bill are true that the defendant has willfully failed and refused to provide for the defendant complainant, without a reasonable cause as charged, and that the complainant gave the defendant no cause or just excuse for his 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 the defendant be absolutely and forever dissolved, and that the complainant be vested with all the rights of an unmarried woman and that her maiden name, Tera Fortner, be restored to her, and that the defendant pay the costs of this suit for which execution will issue.

Minutes Circuit Court, Humphreys County, December Term, 10 day of December 1935

State of Tennessee

vs.

Murder.

John Crowell

In this cause came again the Attorney General for the State and the defendant in person and by attorneys when the jury heretofore selected and sworn in this cause, to wit: Sam Ethridge, H.C. Dudley, Joe King, C.E. Bratcher, C.E. Young, and C.E. Hewitt, Next Ves brook, E.B. Schmidt, W.E. Long, Jim Wheeler, W.M. Frizell, and Jim Baker, having returned into open court in charge of their sworn officers T.J. Fields, and Vernon Brewer, and having resumed the consideration of this cause upon their oath do say that they find the defendant guilty of Voluntary manslaughter as charged in said bill of indictment and fix his maximum punishment at a term of three years in the State Penitentiary.

Thereupon defendant gave notice of a motion for a New Trial and this cause is passed pending the filing and hearing of said motion. The defendant is given until Monday at noon Dec. 21 st. 1935 in which to file his motion and he will remain on his present bond pending the filing and hearing of said motion

Court then adjourned until Monday morning at 9 o'clock, Dec. 21st, 1935.

J.D.C. Morton Judge.

Minutes Circuit Court, Humphreys County, December Term, 21st day of December 1935

Court met pursuant to adjournment, present and presiding the Hon. J.D.C. Morton Judge.

State of Tennessee

vs.

Larceny

Kelly Simpson

In this cause comes the Attorney General for the State and the defendant in person and by attorneys, who being duly charged and arraigned on said bill of indictment pleads guilty to Petit Larceny.

Thereupon to try the issue joined came a jury of good and lawful men of Humphreys County to wit: W.C. Pace Scott Smith Will Cantrell, Talbige Mims, J.R. Perkins J.A. Tomlinson G.W. Ethridge, John Lucas, Brown Morrisett, Fran Brown, Jim Parker and Walter Mims. who being duly elected tried and sworn according to law after hearing all the proof argument of counsel and the charge of the Court upon their oath do say that they find the defendant guilty of Petit Larceny as charged in said bill of indictment and assess his punishment at 30 days in Jail.

It is therefore ordered adjudged and decreed by the Court that for the offense ~~of~~ of Petit Larceny as found by the jury the defendant be confined in the County Jail or work house for a period of thirty day and that he pay the costs of this cause for which let execution issue and in the event of his failure to pay or secure said costs he will be further confined until the same is paid secured or worked out.

The defendant is also rendered infamous disqualified to exercise the election franchise or give evidence in any of the courts of this State

State of Tennessee

vs.

Murder

Vernon H. Murrell

In this cause comes the Attorney General for the State and the defendant in person and by attorneys, who being duly charged and arraigned on said bill of indictment, plead not guilty. Thereupon to try issue joined came the following good and lawful men of Humphreys County to wit: M.C. Reeves, H.V. Moore J.H. Robbins C.R. Watts, H.M. Harrell W.M. England, Tite Forest T.E. Dickerson T.C. Beaul, C.H. Bramlett, C.W. Simmons and E.W. Sykes who being elected tried and sworn according to law, and after hearing part of the evidence, and not having time to complete the trial in this case said jury was reppited by the court until tomorrow mornig at 8:30 o'clock, and said jurors retired in charge of J.C. Thomas and Vernon Brewer their officers who had been previously, legally sworn to attend them and who had them in charge

Court then adjourned until tomorrow morning at 8:30 o'clock,

J.D.C. Morton Judge.

Minutes Circuit Court, Humphreys County, December Term, 22 day of December 1925

Court met pursuant to adjournment, present and presiding the Hon. J.D.G. Morton Judge.
State of Tennessee)

vs.) Murder

Vernon H. Murrell)

In this cause comes again the Attorney General for the State and defendant in person and by attorneys, when the jury heretofore selected and sworn according to law, to wit: M.C. Reeves, M.V. Moore, J.H. Dobbins, C.R. Watts, M.H. Barrell, W.M. England, Tile Forester, T.B. Dickerson, T.E. Heard, C.H. Bramlett, C.W. Simons, and E.W. Sykes, having returned into open court in charge of their sworn officers J.C. Thomas, and Vernon Brewer, and having resumed the consideration of this cause, and after hearing all the proof, argument of counsel, and the charge of the court, but not having time to complete their verdict, said jury was respited by the Court until tomorrow morning at 9 o'clock, and said jury retired in charge of their sworn officers aforesaid.

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

J.D.G. Morton Judge.

Minutes Circuit Court, Humphreys County, December Term, 23 day of December 1925

Court met pursuant to adjournment, present and presiding the Hon. J.D.G. Morton Judge.

State of Tennessee)

vs.) Murder

Vernon H. Murrell)

In this cause comes again the Attorney General for the State and the defendant in person and by attorneys, when the jury heretofore selected and sworn in this cause to wit: M.C. Reeves, M.V. Moore, J.H. Dobbins, W.H. Barrell, W.M. England, Tile Forester, T.B. Dickerson, T.E. Heard, C.H. Bramlett, C.W. Simons, C.R. Watts and E.W. Sykes, having returned into open court in charge of their sworn officers, Vernon Brewer, and J.C. Thomas, and having resumed the consideration of this cause, after hearing all the proof argument of counsel and the charge of the Court upon their oath do say they find the defendant guilty of Voluntary Manslaughter as charged in said indictment and assess and fix his maximum punishment at a term of four years in the State Penitentiary.

Thereupon defendant gave notice of the filing of a motion for a new trial and he is given until Friday afternoon at 5 o'clock Dec. 26th. in which to file his motion and the hearing of said motion is set for Friday Jan. 1st. 1926 and the defendant will remain on his present bond pending the hearing of said motion.

State of Tennessee)

vs.) Murder

John Crowell)

This cause came on to be heard this day on the motion for a New Trial heretofore filed in this cause when it appeared to the Court that affidavits were filed by the defendant in support of his motion at 5 o'clock P.M. yesterday and that the State has not had sufficient time to investigate the same on motion of the Atty Gen. the hearing of the motion in this cause is continued until Friday morning at 9 o'clock Jan 1st. 1926 and the defendant is allowed until Saturday at noon only of this week to file any additional grounds for a new Trial

State of Tennessee)

vs.) Larceny

Britton Townsend)

In this cause came the Attorney General for the State and the defendant in person and by attorney, who being duly charged and arraigned on said bill of indictment pleads guilty to ^{Petite} Larceny. Thereupon came a jury of good and lawful men of Humphreys County to wit: W.C. Pace, Scott Smith, Will Cantrell Talbace Mims J.R. Perkins, J.A. Tomlinson, G.V. Ethridge Juno, Lucas Brown Morrisett Frank Brown, Jim Parker, and Walter Mims, who being elected tried and sworn according to law, after hearing all the proof, argument of counsel and the charge of the Court upon their oath do say that they find the defendant guilty of Petite Larceny as charged in said bill of indictment, and fix his punishment at a term of one year in the State Training and Agricultural for Boys.

It appearing to the Court that the said Britton Townsend was 16 years old July 24 1925. It is therefore ordered adjudged and decreed that for the offense as found by the jury he be confined in the State Training and Agricultural School for Boys for a period of One year, and that he pay the costs of this cause for let execution issue.

State of Tennessee

vs.)
R.H. Morton et, al,) Larceny

In this case came 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, pleads guilty to Petite Larceny.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, to wit: W.C. Pace, Scott Smith, Will Cantrell Talmage Mims, J.R. Perkins J.A. Tomlinson G.W. Ethridge, John Lucas, Brown Horizett, Frank Brown Jim Parker and Walter Mims. who being duly elected tried and sworn according to law upon their oath we say that they find the defendants, guilty of Petite Larceny, and fix their punishment at confinement in the County Jail for a period of 5 days each.

It is therefore ordered adjudged and decreed by the Court that for the offense as found by the jury the defendants be confined in the County Jail for a period of 5 days each, and they pay the costs of this cause for which let execution issue, and in the event of their failure to pay or secure said costs they will be confined in the County Jail until they pay secure or work out all of said costs.

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

State of Tennessee

vs.)
Lon Hinson) Tippling

In this case a Nolleprosequi is entered upon the payment of the costs upon the recommendation of the Attorney General, 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 he pay secure or work out all of said costs.

State of Tennessee

vs.)
Herschell Cooley et, al,) Forfeiture

In this cause on motion of the Attorney General for the State it appearing to the Court that a Forfeiture was taken against the defendant and his Bondsmen J.L. Sullivan and C.L. Wall at the last term of this court and a Scire Facias ordered and issued and it appearing to the Court that said Scire Facias was legally issued and served on said sureties J.L. Sullivan and C.L. Wall requiring them to appear at this term of Court and show cause why final judgment should not be taken on said Forfeiture of Two Hundred and Fifty Dollars and said parties failing to appear and show cause as aforesaid said forfeiture of Two Hundred and fifty dollars is made final and it is ordered, adjudged and decreed by the court that the State of Tennessee recover for the use and benefit of Humphreys County, of said sureties J.L. Sullivan and C.L. Wall the sum of Two Hundred and fifty dollars and the costs of this forfeiture for all of which let execution issue.

State of Tennessee

vs.)
Oscar Davis and Elwood Riley) Assault with intent to commit murder in the first degree

In this case comes the Attorney General, and states to the court that he desires to prosecute this case no further as the Oscar Davies.

It is therefore ordered adjudged and decreed by the Court that the defendant be discharged and go hence without day, and that ALIAS CAPIAS issue for the defendant Elwood Riley.

State of Tennessee

vs.)
Oscar Davis and Elwood Riley) Profane language

In this case came the Attorney General for the State and the defendant Oscar Davis 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 or secure or workout all of said fine and costs. And that ALIAS CAPIAS issue for the defendant Elwood Riley.

State of Tennessee

vs.)
Bob Lawrence et, al,) Forfeiture

In this cause on motion of the Attorney General for the State it appearing to the Court that a forfeiture was taken against the defendant and his Bondsmen C.C. Patterson C.L. Worley, Jas Crockett R.A. Wright and H.V. Ewing at the last term of this court, and a Scire Facias was legally issued and served on said sureties C.C. Patterson C.L. Worley Jas Crockett R.A. Wright and H.V. Ewing requiring them to appear at this term of court and show cause why final judgment should not be taken on said forfeiture of Five hundred dollars, and for sufficient reason appearing to the Court this forfeiture is reduced from Five hundred dollars to One Hundred and fifty dollars and said parties failing to appear and show cause as aforesaid said forfeiture of One Hundred and fifty dollars is made final and it is ordered adjudged and decreed by the court that the State of Tennessee recover for the use and benefit of Humphreys County, of said sureties C.C. Patterson C.L. Worley, Jas Crockett R.A. Wright and H.V. Ewing the sum of One hundred and fifty dollars and the costs of this forfeiture for all of which let execution issue

Court then adjourned until Friday morning Jan. 1st, 1917.

J. J. Minton Judge

State of Tennessee
vs.
R.R. Morton et, al,) Larceny

In this case came 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, pleads guilty to Petite Larceny.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, to wit: W.C. Pace, Scott Smith, Will Cantrell Talmage Mims, J.R. Perkins J.A. Tomlinson G.W. Ethridge, John Lucas, Brown Morizett, Frank Brown Jim Parker and Walter Mims. who being duly elected tried and sworn according to law upon their oath to say that they find the defendants, guilty of Petite Larceny, and fix their punishment at confinement in the county jail for a period of 5 days each.

It is therefore ordered adjudged and decreed by the Court that for the offense as found by the jury the defendants be confined in the County jail for a period of 5 days each, and they pay the costs of this cause for which let execution issue, and in the event of their failure to pay or secure said costs they will be further confined in the County Jail until they pay secure or work out all of said costs.

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

State of Tennessee
vs.
Lon Hinson) Tippling

In this case a Nolleprosequi is entered upon the payment of the costs upon the recommendation of the Attorney General, 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 he pay secure or work out all of said costs.

State of Tennessee
vs.
Herschell Cooley et, al,) Forfeiture

In this cause on motion of the Attorney General for the State it appearing to the Court that a Forfeiture was taken against the defendant and his Bondsman J.E. Sullivan and C.L. Wall at the last term of this court and a Scire Facias ordered and issued and it appearing to the Court that said Scire Facias was legally issued and served on said sureties J.E. Sullivan and C.L. Wall requiring them to appear at this term of Court and show cause why final judgment should not be taken on said forfeiture of Two Hundred and Fifty Dollars and said parties failing to appear and show cause as aforesaid said forfeiture of Two Hundred and Fifty dollars is made final and it is ordered, adjudged and decreed by the court that the State of Tennessee recover for the use and benefit of Humphreys County, of said sureties J.E. Sullivan and C.L. Wall the sum of Two Hundred and Fifty dollars and the costs of this forfeiture for all of which let execution issue.

State of Tennessee
vs.
Oscar Davis and Elwood Riley) Assault with intent to commit murder in the first degree

In this case comes the Attorney General, and states to the court that he desires to prosecute this case no further as the Oscar Davies. It is therefore ordered adjudged and decreed by the Court that the defendant be discharged and go hence without day, and that ALIAS CAPIAS issue for the defendant Elwood Riley.

State of Tennessee
vs.
Oscar Davis and Elwood Riley) Profane language

In this case came the Attorney General for the State and the defendant Oscar Davis 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 or secure or work out all of said fine and costs. And that ALIAS CAPIAS issue for the defendant Elwood Riley.

State of Tennessee
vs.
Bob Lawrence et, al,) Forfeiture

In this cause on motion of the Attorney General for the State it appearing to the Court that a forfeiture was taken against the defendant and his Bondsman C.C. Patterson E.L. Worley, Jas Crockett M.A. Wright and H.W. Ewing at the last term of this court, and a Scire Facias was legally issued and served on said sureties C.C. Patterson E.L. Worley Jas Crockett R.A. Wright and H.W. Ewing requiring them to appear at this term of court and show cause why final judgment should not be taken on said forfeiture of Five hundred dollars, and for sufficient reason appearing to the Court this forfeiture is reduced from Five hundred dollars to One Hundred and fifty Dollars and said parties failing to appear and show cause as aforesaid said forfeiture of One Hundred and fifty dollars is made final and it is ordered adjudged and decreed by the court that the State of Tennessee recover for the use and benefit of Humphreys County, of said sureties C.C. Patterson E.L. Worley, Jas Crockett R.A. Wright and H.W. Ewing the sum of One hundred and fifty dollars and the costs of this forfeiture for all of which let execution issue.

Court then adjourned until Friday morning Jan. 1st. 1917.

J. S. Morton Judge

Minutes Circuit Court, Humphreys County, Tennessee, December Term, 1st day of January, 1946

Court met pursuant to adjournment, present and presiding the J.D.G. Morton Judge etc.

State of Tennessee

vs.

M. Liquor.

Wake Shelton and
Will Luther

In this cause Judgment was rendered against defendants on a plea of guilty on a charge of manufacturing liquor and each were fined \$250.00 and costs and given 90 days in jail, when it appeared to the court that at the last term of this court the case was continued on a plea of guilty to possessing a still with the agreement that the fine was to be \$100.00 each and 60 days in jail suspended.

Therefore on motion of the attorney General, said judgment is set aside and for nothing held and as agreed upon, it is ordered adjudged and decreed by the Court that for the offense of possessing a still each of said defendants pay or secure a fine of one Hundred Dollars each and the costs of this cause for all of which let execution issue and in the event of their failure to pay or secure the same, they will be confined in the County work house until the same is paid secured or worked out.

Each defendant is also given 30 days in jail but said jail sentence is suspended during the good behavior of the defendants.

The judgment set aside is entered in Minute Book 16 page 526.

State of Tennessee

vs.

Murder

John Crowell

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, came on to be heard by the Court which motion is as follows.

MOTION FOR NEW TRIAL AND EXHIBITS A. B. C. D. AND E.
THEREUTO

State of Tennessee

vs.

Murder

John Crowell

December term 1945 Circuit Court Humphreys County Tennessee

The defendant comes and moves the court for a new trial in the above styled cause, and for grounds of his motion assigns the following ~~xxxxxxxx~~

I

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

II

The weight of the evidence is against the verdict as found by the jury, and in favor of the defendant

III

The evidence shows a grave doubt as to the defendant being guilty of any offense whatever, and the jury failed to give the benefit of said doubt, and the jury failed to give the defendant of the presumption of innocence.

IV

There is no evidence to support the finding by the jury of voluntary manslaughter.

V.

The Court erred in refusing to give the jury an additional charge as requested by the defendant as follows.

Minutes Circuit Court, Humphreys County, Tennessee, December Term, 1st day of January, 1946

" State of Tennessee vs Jno. Crowell, Request for additional charge to the jury, No. 55 and the arrest of the deceased first by Buddy Spann at the hotel, after Spann had seen the offense of speeding on the streets of Waverly in running his car at an unlawful rate of speed, and running his car without a legal license tag, was legal and after deceased escaped that Buddy Spann, the first arresting officer, had a right to retake the deceased, or to deputize or direct an other officer to retake or recapture the deceased without any warrant. The juror C.E. Pewitt who was selected as a juror to try this case was not a legally qualified juror to try the issues involved in this lawsuit, because of the fact he had on numerous occasions prior to the time of his selection as such juror formed and expressed an opinion as to the guilt or innocence of the defendant, having on two occasions at least stated that from the best information he could get of the killing, that the defendant killed the deceased Denton Younger on purpose, and that it was no accident, and that if he were put on the jury to try the defendant he would try to either hang him or send him to the penitentiary for life or for a long term of years. The said juror C.E. Pewitt, stated in his examination on his Voir dire as a juror, that he had not formed nor expressed any opinion as to the guilt or innocence of the defendant in this case. The defendant did not know at the time said Pewitt was selected as a juror that said Pewitt had formed and expressed any opinion as to his guilt or innocence, and that if had known that said Pewitt, had formed or expressed any opinion whatever as to the guilt or innocence of the defendant, said defendant would not have selected him as a juror in the case. and that the jury ignored the charge of the Court.

The affidavit of W.R. Spann, Leneth Bowen, Mrs. Morrell Morton the defendant Jno. A. Crowell and Grady Yates are herewith filed as exhibits A.B.C. D. and E. in support of this motion and as a part thereof. Wherefore, the defendant moves the court to sit aside the the verdict of the jury finding the defendant guilty of Voluntary manslaughter sentencing him to serve 3 years in the penitentiary, and that he be given a new trial of said cause. J.R. Morris J.E. Tubb, J.F. Shannon Atys for Deft.

EXHIBIT C.

Filed Dec. 21 1925 at 11 o'clock A.M. Albert Binkley Clerk

No. 55 C.E. Pewitt.

Q. Do you solemnly swear you will true answers make to such questions as may be asked you touching your competency as a juror so help you God.

A. Yes, sir.

Q. Have you formed or expressed an opinion as to the guilt or innocence of J.A. Crowell charged with murder?

A. No, sir.

Q. Are you house holder or free holder in the county of Humphreys?

A. Yes, sir.

Q. Are you any relation to J.A. Crowell, the defendant in this suit.

A. No, sir.

Q. Are you any relation to Elton Younger, the prosecutor in the suit?

A. No, sir.

State Acceptes.

MR. TUBB EXAMINES.

Q. Where do you live Mr. Pewitt?

A. Near the Perry County line.

Minutes Circuit Court, Humphreys County, *December* Term, *1st* day of January, 1925

Q. How old are you?
 A. 40 years old.
 Q. Are you a married man?
 A. Yes, sir.
 Q. Have you ever talked to anybody about this case?
 A. Yes sir.
 Q. Where you here on the day the trouble occurred?
 A. No, sir.
 Q. Did you ever talk to anybody that heard the evidence?
 A. No, sir.
 Q. Did you ever talk to anybody that was here the day of the Fair, that the trouble occurred?
 A. No, sir.
 Q. Did anybody ever tell you the facts about it?
 A. No, sir, I haven't seen anybody who knew the facts.
 Q. You don't know anything about the case?
 A. No, sir.
 Q. How long have you been living where you live?
 A. A few years.
 Q. Where did you come from before you lived there?
 A. I moved from Hickman County there.
 Q. Are you a land owner?
 A. Yes, sir.
 Q. Were you summoned and examined here before as a juror?
 A. No, sir.
 Q. Did you ever hold any office?
 A. No, sir.
 Q. Were you interested in the prosecution of anybody for homicide?
 A. No, sir.

ACCEPTED

STATE OF TENNESSEE VS. Jno. A. Crowell- in circuit court of Humphreys County Tenn.
 December term 1925

Personally appeared before me, the undersigned authority, Mrs. Morrelle Norton, who after being duly sworn says: That she is a stenographer and that she took down the live dire examination of the juror C.E. Puett at the time he was examined under oath touching his qualifications as a juror in the above styled case in short hand that she has transcribed the same correctly into typewritten form and that the above and foregoing is a correct statement of the questions and answers asked said Puett and given by him at the time of his said examination as a juror in said case.

Mrs. Morrelle Norton.

Subscribed and sworn to before on this the 21, day of December 1925 E.G. Collier Notary Public.

MY COMMISSION EXPIRES 14, day of Sept. 1927.

Minutes Circuit Court, Humphreys County, *December* Term, *1st* day of January, 1925

EXHIBIT D. TO MOTION FOR A NEW TRIAL

FILED DEC. 21st. 1925 At 11 o'clock A.M.

Albert Binkley Clerk.

State of Tennessee)
 vs.) In the circuit court of Humphreys County, December term 1925
 J.A. Crowell)

Personally appeared before me, the undersigned authority, John A. Crowell, who after being sworn says. That he is the defendant in the above styled cause, and that at the time of the selection of C.E. Puett as a juror to try the issue in said case, he did not know that said Puett had formed and expressed an opinion as his guilt or innocence as charged in the indictment under which he was tried in the above styled cause.

And that if he had known that said Puett had formed and expressed an opinion as to his guilt or innocence before or at the time he was selected a juror, that he would not have accepted said Puett as a juror in said case. At the time said juror was selected this defendant had not exhausted the peremptory challenges allowed him by law in such case, and that if the said juror had not disqualified himself on his voir dire affidavit would have challenged him peremptory, rather than have had him sit as a juror in the case. The opinion formed as such juror was very hostile, adverse and prejudicial to this defendant and the defendant has been done a very great injustice by having the said Puett sit as a juror on the trial of his case. J.A. Crowell.

Subscribed and sworn to before me,
 on this the 21, day of December 1925.

E.G. Collier Notary Public.

My commission expires 14, day of Sept. 1927.

EXHIBIT B. TO MOTION FOR A NEW TRIAL. FILED DEC. 21st. 1925 at 11 o'clock A.M.
 Albert Binkley Clerk

State of Tennessee)
 vs.) In circuit court of Humphreys County, December term 1925
 John A. Crowell)

Personally appeared before me the undersigned authority Ehabath. Bowen, who after being sworn made the following statements under oath to wit: That he is thirty four years old, and is married man, and lives on Buffalo, or near near Buffalo river in the old 13th, new 5th, civil district of Humphreys County, Tennessee, and has lived in that vicinity about 19 years. And that he is acquainted with C.E. Puett, one of the jurors that tried the above styled case at the present term of the circuit court for Humphreys County Tennessee, and has known said Puett for about 14 years, he further State that just shortly after the killing of Denton Younger of which killing the defendant in the above case was tried at the present term of court he had a conversation with the said C.E. Puett, near affiant's residence where he lives in which said conversation the said Puett stated to affiant that the defendant ought to be sent to the Penitentiary for said killing for a long term of years, affiant does not remember the exact number of years specified by the said juror, but he does remember distinctly and clearly the said juror stated that he ought to be imprisoned in the penitentiary for a long time. Affiant further states that he had not communication

Minutes Circuit Court, Humphreys County, Tennessee, December Term, 1st day of January 1925

this information to the defendant prior to the taking of said juror as a trial juror in said case. Affiant further states that he does not remember ever having given such information to any one prior to learning that said Puett had been accepted as a juror in said case, and being surprised at his selection as such juror the information above detailed came to his mind and he spoke to one W.C. Mack about it. Affiant further states that he is not related to any of the parties connected with this case and that he has no interest in the result of the law suit. K.M. Bowen.

Subscribed and sworn to before me on this the 19th. day of December 1925.

Albert Binkley Clerk.

Exhibit A. to motion for a new trial. Filed Dec. 21, 1925. Albert Binkley Clerk.

State of Tennessee
vs. J.A. Crowell
In circuit court Humphreys County, Tennessee December term, 1925

Personally appeared before me the undersigned authority, W.R. Spann who being being duly sworn by me, made oath to the following statements:

That he is 55 years old, is a resident of Waverly and has resided in said town for 12 years and was born and reared in Humphreys County, Tennessee, that he is now engaged and has been engaged for the last 7 years in carrying the U.S. Mail from Waverly to Loberville and back, that he is acquainted with C.E. Puett, who was selected and served as one of the jurors in the trial of the above styled cause during the present term of the circuit court of Humphreys county, Tennessee, that he has known said Puett for about 5 or 6 years and that shortly after the killing occurred for which the defendant in the above styled cause is charged, being charged with the killing of one Denton Younger in the town of Waverly Tenn., in October 1924 he had a conversation with said Puett about said killing with the said C.E. Puett at or near his residence in Humphreys county, Tenn. in which the said Puett stated to affiant that from the best information he could get about the killing that said defendant killed said Younger on purpose, that it was no accidental shot. Affiant further stated that he had another conversation with said Puett, near the said Puett's residence shortly after the jury was discharged in the trial of the above cause at the April term 1925 of the circuit court of said Humphreys County, in which the said Puett said to affiant "That if he had been on the jury trying said defendant for the crime for which he is charged he would have tried mighty hard to have hung the defendant or sent him to the penitentiary for life. Affiant said he had not given this information to the defendant John Crowell prior to the trial of this case and that he has made no statement about the said conversation to any one until he saw said Puett on the jury which recalled said statement to his mind.

He further states that he is not in any way related with any of the parties connected with said case and is not interested in the results of said suit. W.R. Spann.

Subscribed and sworn to before me this Dec. 10, 1925. Albert Binkley Clerk.

Minutes Circuit Court, Humphreys County, Tennessee, December Term, 1st day of January 1925

EXHIBIT B. FILED DECEMBER 21, 1925 at 11 o'clock. Albert Binkley Clerk.

State of Tennessee
vs. John A. Crowell
In the circuit court of Humphreys County, Tennessee Dec. Term 1925.

Personally appeared before me the undersigned authority, Grady Yates, who after first being duly sworn says on his oath, that he has is acquainted with C.E. Puett, a juror who served on the jury trying the above styled cause at the present term of court, and that he has known this C.E. Puett for some five or six years, he states further that on an occasion probably some five or six months ago, affiant was with said Puett and others and while generally talking about the above case and the defendant connection with it, the said C.E. Puett made the statement that he knew in his own mind the defendant John A. Crowell killed the fellow and that he ought to be gotten out of the county for it. This was as aforesaid some 5 or 6 months ago. and before of course the acceptance of the said C.E. Puett as a juror in the case, affiant was in the court house where the above styled case was being tried and saw the said C.E. Puett sitting on the jury and this called to my mind the statement above detailed that I had heard the said Puett make Affiant further says he 33 years old and has lived in Humphreys county practically all his life, and that he is not related to either deft. John Crowell or the Youngers and that he has no interest in the result of the lawsuit etc. Grady Yates.

Subscribed and sworn to before me on this the 21st. day of December 1925 E.C. Collier Notary Public. My commission expires 14 day of Sept. 1927.

and the same being heard by the court and 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 the offense of Voluntary manslaughter as found by the jury the defendant be confined in the Penitentiary at Nashville Tenn. at hard labor for an indeterminate period of time of not less than two years nor more than three years and that he pay the costs of this cause for which let execution issue.

To which action of the Court in overruling said motion and in passing sentence on defendant he again excepts.

Therefore defendant moved in arrest of judgment which motion was likewise over ruled by the court to which action of the Court defendant excepts Therefore defendant prayed an appeal to the Supreme Court at Nashville Tenn., which appealed is granted and the defendant is allowed thirty days in which to prepare, and file his bill of exceptions.

The defendant will execute 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 execute said bond he will be confined in the county jail to await the action of the Supreme Court.

State of Tennessee,
vs.
Vernon H. Murrell

Murder

In this cause comes again the Attorney General for the State and the defendant in person and by attorneys, when the motion for a new trial heretofore filed in this cause comes on to be, which motion is as follows.

MOTION FOR NEW TRIAL

State of Tennessee

vs.

V.H. Murrell

Indorsed filed Dec. 29 1925. Albert Binkley Clerk.
In the circuit court at Waverly Tennessee December Term 1925.

In this cause wherein the defendant V.H. Murrell was charged with the murder of Willie Holland in Humphreys County Tennessee, December 25, 1924, which cause was tried at the present term resulting in a verdict of guilty of Voluntary manslaughter returned by the jury, fixing his maximum punishment at four (4) years in the Penitentiary, comes said defendant and moved the court to set aside the verdict of the jury and grant him a new trial upon the following grounds:

I

The verdict of the jury is contrary to the law and the facts.

II,

The evidence preponderates against the verdict of the jury and in favor of the innocence of the defendant.

III

The preponderance of the evidence shows that the homicide was committed by the defendant in his necessary self defense.

IV.

The evidence fails to establish the guilt of the defendant beyond a reasonable doubt.

V.

The court erred in failing and refusing to give in his charge to the jury the defendant's Theory of the case, seasonably offered, which is in the words and figures following to wit:

Theory of the defendant.

It is the Theory of the defendant that on Christmas morning December 25, 1924, he and three other men were traveling in an Easterly or southerly direction upon a road near what is known as Little Hurricane about 6 miles from the village of McEwen and in Humphreys County, that they were traveling in a Ford touring car driven by one Gussie Gussie Brake, that the defendant was on the front seat beside the driver and that Claud Fuqua and Walter Wallace were on the rear seat, and that they were, at the time en route to the defendant's Mothers., who lived only a short distance ahead whom he expected to visit for a short time on this Christmas day and that they came upon another car, headed in the opposite direction which was out of commission and the parties seem to be endeavoring to start it or make it go. That at, and about this time, the defendant got out of the car and was mingling in the usual way with the parties in trouble, as aforesaid.

That the defendant inquired in substance, whether he could be of any assistance to them and some conversation ensued relative to this, and in the mean time, or about this time, the defendant got out of the car and was mingling in the usual way with the parties in trouble, as aforesaid.

Recently before this, the defendant had aided certain officers of the county in locating a still in the neighborhood thought to be the still of the deceased, suitable to be used in the manufacturing of whisky, but he did this upon the solemn promise of the officers that they would not disclose the part he took in it or betray any information he gave them.

He took this precaution to avoid trouble, likely to result, and relied implicitly upon their promise, and had no idea at the time that his conduct has been disclosed to the deceased or to any one else, or discovered by him in any way, or that the deceased could have anything against him on this account.

That after he had gotten out of the car some one suggested or indicated that he could have a drink, when deceased remarked, BY GOD there is no whisky here for Vernon Murrell. Defendant was somewhat surprised and disturbed by this remark, and finally asked the deceased what was the matter, or what he had against him or something similar import, when the deceased, in substance said "BY GOD you took Lewis Phy and Little Bob Holland. Meaning the officers) and showed them my still"

The deceased seemed to be drinking, his remark indicated anger, and the defendant, believing that he had not been betrayed, and would not, under any circumstances be, and that the deceased simply indulged a suspicion, expostulated with him, intending to convince him that he was mistaken, and avoid trouble and believing that the officers were, and would continue, true to the promise made him when he assisted them.

He offered to take the deceased to these officers and verify a denial of the charge made by the deceased and some parley ensued about this, defendant offering to go with the deceased, in the defendant's car, at that very time, the next day, or any time he would fix.

When the defendant came upon the deceased or very soon after, he had out his pocket knife and seemed to be whetting it.

The deceased was a very large man of powerful strength, and greatly the defendant's superior from a stand point of size and strength, and defendant undertook to appease him and to appeal to him in an effort to avoid any encounter, he laid his hand on his shoulder and told him in substance that they were brother-in-law, that he had nothing against the deceased, that he liked him or loved him, that they both had families and ought to be at home with them instead of fussing on the public Highway but finally the deceased remarked, in substance "one of us have to die, you Murrells have killed enough people" or some remark of similar import, commanded some of the parties present who were trying to quiet him, to get out of the way which they did when he struck the defendant blow in the face which knocked him backwards and flat upon the ground, and some what addled him and blinded him in one of his eyes, and he immediately covered the defendant, striking him about the head and body, and the defendant believed that he still had and held the knife which he had seen in the his hand, and verily believed that the deceased, either with the use of a knife or his fist would kill him or do him some great bodily harm, and while, under the powerful weight of the deceased, and being struck and beaten by him, and otherwise at his mercy, defendant managed to get his knife and open it, and in this addled and perilous condition commenced to strike and cut the deceased in order to save himself, and continued to strike until he

was released, when he left the scene with all reasonable haste. That at the time he struck the deceased he believed himself to be in danger of death or great great bodily harm at his hands. And the Court, in its charge to the jury, I charge you that if the jury find this theory of the defendant to be true it would be your duty to acquit him, and your verdict will be "NOT GUILTY". I further charge you that if you have a reasonable doubt as to whether this theory of the defendant is true, you will give him the benefit of the doubt, and your verdict will be "Not Guilty". The Court erred in failing to give, in charge to the jury, defendant's special request seasonably offered which is in the words and figures as follows: I charge you that a man's right to defend himself against an assault, with a deadly weapon, is not confined to cases where he is being assaulted with a deadly weapon. If a man is assaulted by an other, of more powerful strength, although with nothing more than his fist and superior strength and weight by reason of such assault, put in danger of death or great bodily harm, he may resist such assault, with a deadly weapon, and if in doing so he kills his adversary, by what seemed to be under the circumstances, necessary resistance, in order to save himself from a like injury, or from great bodily harm, he would be excusable and if you find this to be the facts in the case, or if you have reasonable doubt as to this you will acquit the defendant, and your verdict will be NOT GUILTY".

VII

The court erred in sustaining the states objection to the following question, propounded by Attorney for the defendant, to Hailey Holland, in cross examination, in substance as follows:

Q. Did you hear Will Holland say that Vernie Murrell had carried the officers and

showed them his Still? The question being asked in the following connection: Hailey Holland- Cross-examination.

Q. At the time that Murrell drove up did you know that will thought that Murrell had carried the officers and showed them his still?

A. Well, I didn't know whether he thought it, or not.

Q. I say did you know he thought it?

A. I don't know, I could not tell what he thought, I could not tell what he thought about it.

Q. Did you hear him say that?

A. Hear him say what.

Q. That Murrell had carried the officers and showed them this still.

VIII,

The court erred in permitting over the defendants objections witness P.J. Fuqua to testify as follows:

P.J. Fuqua- Direct examination.

Q. Did he state to you what his condition was while he was there on the ground, what was going to happen to him?

A. He states that these wounds on him--

MR. KNIGHT: Wa object to that.

(After the testimony was gone over in the ansneece of the jury, the court said,

I hold the testimony is competent, and you can note your exception"

Q. Mr. Fuqua, you have already stated to this jury about going up to the deceased on the road. What statement, if any, did he make to you about what Murrell had done and what was going to happen?

A. He told me that he was on the road there assisting a man up the hill--

Q. My first question is, I have to over what we have already been over Mr. Fuqua, while the jury was out a while ago, what statement did he make to you about seeing Vernie Murrell, and what his condition was?

A. He told me Vernie Murrell had passed there four time in succession, four days in succession, and now he has killed him.

Q. After making that statement, " Squire, tell this jury what he said about the difficulty, and what had taken place?

Defenant excepts to any statement of deceased at this time. Exception overruled, to which defenant excepts.

The erred in permitting the states witness R.P. Holland to testify over the defenants objection as follows:

R.P. Holland- Direct examination.

Q. Now just tell the court what (deceased) asked you and what you said to him, and what he replied.

A. He wanted to know what time the doctor would be back, I think I told him about 8 o'clock somewhere about that.

Q. What did he say.

A. He said, I will be dead by then"

THE COURT. who said that?

A. The deceased.

A.MR. KNIGHT: About what time of the day was that?

A. It was after the Doctor left there.

Q. What time of day?

A. I suppose they left there. I guess about six o'clock, I don't know for certain, it was somewhere right along there. It was just begining to get dark, about this time of year.

Q. When you left you had this conversation with him, he asked when he was coming back--

A. And I told him about 8 o'clock.

MR. KNIGHT: Defendant objects to what Holland said.

Overruled, to which defendant excepts.

Q. Just go ahead in your own way, Mr. Holland, and tell this jury what he said to you there about this difficulty.

X.

The court erred in permitting the state witness, Hailey Holland, over the defendants objection to testify as follows.

Hailey Holland-- recalled

Q. Do you know anything about your Brother at any time, Will Holland deceased, accusing this defendant of being the father of Aggie Baker's child?

A. Yes, sir.

Q. Did your brother do that?

A. Did my Brother accuse him of that?

Q. Yes.

Objected to
Overruled, to which defenant excepts.

The court erred in compelling the defendant in Cross - examination, in the connection