

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. Gentlemen of the jury, I charge you that if you 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 ansnee 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?

Defendant excepts to any statement of deceased at this time. Exception overruled, to which defendant excepts.

The erred in permitting the states witness R.P. Holland to testify over the defendants 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 defendant excepts.

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

shown below to testify and answer as indicated:

On cross-examination - - - - -

Q. On the trial of your brother in this court, previous to this term of court, didn't you you on that trial swear that you would hit any man that would call you a son of a bitch?

Mr. KNIGHT: we except to his answering that question and want to make an exception here now, in record about the manner of questions and character of questions being propounded to the witness by Gen. Bowman, on the ground that they are clearly as to incompetent matter, and that asking of the question itself is prejudicial to the defendant.

THE COURT Overruled, as to the exception to this question, I think the question is competent.

Q. On the trial of this case, didn't you, testify, sitting in this witness chair, that you would hit any man that called you a son of a bitch.

Objected to, overruled, to which defendant excepts.

XII

The Court erred in permitting the witness, P.J. Fuqua to testify, in the presence of the jury, over the objection of the defendant, as to certain alleged, relative to the difficulty, made by the deceased between the time of the injury, and the time of his death.

XIII

The court erred in permitting the witness R.P. Holland to testify, over the objection of the defendant as to certain statements, made to him by the deceased, after his injury, and before his death.

XIV

The court erred in permitting the witness P.J. Fuqua in rebuttal testify as follows: P.J. Fuqua, recalled - - stated rebuttal.

Q. Was he (Kel Baker) drinking, or not?

A. I thought he was.

Mr. Knight: I don't think he can give his opinion.

Q. Did you see anything about his conduct to indicate it?

Gen Bowman: I had asked him if he was drinking, he said he didn't have a drop.

THE COURT: I understand this witness said he saw him immediately, at the scene of the killing, and the condition of any witness there is competent. He can state whether or not he was drunk or sober in his opinion.

Q. How many pieces of bottles did you notice there in the road, or fruit jars, which ones were they?

A. Bottles.

Objected to.

THE COURT: How long after the time that you were there, the first time, did you see the bottles?

A. I didn't notice them till I went back home, in about an hour or two.

Q. Did you notice any bottles where this difficulty was said to have taken place in the road.

Objected to, overruled, defendant excepts

XV

The Attorney General in his closing argument, in properly referred, and argued certain matter prejudicial to the defendant predicated upon the testimony which the court had excluded as incompetent in substance as follows.

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

Defendant excepts to any statement of the deceased at this time.

THE COURT: The statement is overruled, to which defendant excepts.

Q. State what he told you.

A. In regard to the difficulty.

Q. Yes,

A. He said he was there close by, and some men came to the hill and could not get over and he went out to assist them, and about that time they got up the hill, with this car, Mr. Murrell drove up, then he said he got out on the ground, on the running board, and asked him what he had against him, and he went on to mention something about his carrying - accusing him having a still, carrying officers to the still, that was about all he said about that. And he said that he denied that, and that Mr. Murrell threw his hat under his feet, he put his foot on it, and he came around and made this wound, Mr. Murrell threw his hat on the ground, put his foot on it, and then came around him and made this wound, and cut him.

Q. What did he say he did about it?

A. He said he grappled with his hands, he had no weapon of any kind, and, and had grabbed hold of him with his hands, and mashed him on the ground, and that was when Murrell cut, on the back, and when he cut him on the back of the neck.

CROSS EXAMINED - by Mr. Knight.

Q. He told about that about when he had helped to push a car upon top of the rise, Murrell came up, and when Murrell came up, he told you he was on the running board, got out on the running board, is that right?

A. Something like that.

Q. And says "what have you got against me" He didn't tell you that he said to Murrell

A. Yes, yes, said that he accused Murrell of carrying officers, and showing them this still.

Q. And said Murrell got off the running board, threw his hat down and stepped on it.

THE COURT: threw it under his feet, Hollands feet?

A. That is what I meant to state. Threw the hat under Hollands feet, and he put his feet on it.

That Murrell got off the running board, threw his hat down under Hollands feet, that Hollands put his foot on it, and Murrell reached around and cut him, is that what he told you?

A. Yes, sir.

Q. Squire, didn't he tell you that he accused Murrell there called him a damned liar and son of a bitch?

A. He didn't tell me that.

Q. Didn't he tell you that Murrell put his hand on his shoulder, put his arm around his neck, and said "Willie we are brothers-in-law, I don't want to have any trouble with you, I love you, I like you"?

A. No, he didn't tell me that, I never heard that.

Q. According to the statement he made to you it was pretty quick done.

A. Yes, sir, quick done.

Q. Right off the running board and down came the hat, and Holland stepped on it.

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I could have shown that the defendant was connected with, or engaged in, the illicit whisky business, but every time questioned him, or the witness as to this, counsel for the defendant objected, and I was not allowed to show him up.

The testimony of P.J. Fuqua, purporting to detail the statements of the deceased made him, as to how the difficulty occurred will be attached hereto as Ex. "A" and the testimony of R.P. Holland, as to the statements, made to him by the deceased on the same subject, will be attached as Ex. "B"

State of Tennessee } Indorsed filed Dec. 29 1937. at 2.30 P.M. Albert Binkley Clerk
vs. } Ex. A. to Motion for New Trial.
Vernie Murrell }

P.J. FUQUA.

Q. Did he make any statement to you about this difficulty there in the home?

A. He made a statement after he got up off the ground, and then something similar to the same thing after he got to the house.

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

A. He said that these wounds on him--
Objected to
(in the absence of the jury)

Q. Previous to making the statement to you, Mr. Fuqua, did the deceased Willie Holland make any statement to you about his condition, what was going to happen to him?

A. Yes, sir.

Q. What did he say?

A. He told me that wounds across the neck didn't hurt him at all, but there was a wound in the side that was giving him trouble. I am telling what he said, I didn't see the fight, he said that this man Murrell--

Q. Wait just a minute, what, if anything, did he say about his going to die, did he make any statement about dying?

Objected to.

Q. What, if anything, did he say, Mr. Fuqua, about what was going to happen to him as to how seriously he was hurt.

A. Just let me state what I started to say.

The Court you can state it all just as came up.

A. He said Murrell had passed there four days in succession, and now he has killed me. That was all that was said about dying?

Q. After he made this statement to you, Squire, did he tell you how the difficulty took place?

Objected to as incompetent.

The Court. hold the testimony is competent, and you can note your exceptions.

Jury Returns.

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 to him.

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 go over what we have already been over, Mr. Fuqua, the jury was out, a while ago, what statement did he make to you about seeing Vernon Murrell, and what his condition was.

A. He told me Vernon Murrell had passed there four times in succession, four days in succession, and now he has killed me.

December

A. No, he didn't state it that way, I don't know for certain, I could not call it to mind. He said he got out of the car.

Q. That is all he told you, just what you told us?

A. Yes, sir.

Q. He didn't tell you that Murrell wanted to take him to the officers, and prove by them that he hadn't turned him up, and that he said to him, No, by God, there is no use of that, you lying son-- of a bitch, you did it?"

A. No I didn't hear that.

Q. He didn't tell you that.

A. No, sir.

Q. I will ask you, Squire, if you were examined before the Justice of the Peace in this case?

A. Yes, sir.

Q. I will ask you if you didn't state there that Holland stated that Murrell asked him what he had against him, in substance this, and that Holland told him what he had against him, about showing his still, and told him, Holland told Murrell, that I will tie my left hand behind me, and whip you, or fight you?

A. Well, I might have said that, but I could not call to mind now.

Q. Did he tell you the first thing that was said about fighting was that he told Murrell that I will tie my left hand behind my back, and whip you?

A. No, sir, I can't remember, Mr. Knight. I ain't trying to dodge anything.

Q. You don't remember that now, about you saying that the first thing said about fighting was he told Murrell he would tie his left hand behind him and whip him?

A. Probably he said that and I might have told that in court, but I don't remember it now.

Further this deponent saith not.

State of Tennessee } EX. B. to Motion for New trial
vs. } Indorsed Filed Dec. 26th. 1937 At 2.30 o'clock
Vernie Murrell } Albert Binkley Clerk.

R.P. Holland.

Did this deceased ask you any time that afternoon when they (the doctors) would be back.

A. I think so.

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

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

Q. What did he say?

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

Court who said that?

A. The deceased.

THE COURT about what time of day was that?

A. It was after the doctors 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

it was somewhere right along there, it was just beginning to get dark, about this time of year.

Q. When he left you had this conversation with him, he asked you when he was going to be back.

A. I told him about eight o'clock.

Defendant objected to what Holland said. Overruled, exception.

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

A. I asked him it commenced, and he told me, said there was some boys come along there with a car, it got out of fix and could not run, he helped them push it up a little hill, when he got it up on top of the hill I think he got in the car and held it, and ran it off down another little slant till they came down to a level. While they were down there fixing the car, trying to get it so it would go along. Vernon and some other fellows ran up in a car, and Vernon got out of the car, and came around there where they were, and said, "I want to know what you and Halley has got against me" Willie told him says "You ought to know" something like that, what we have got against you" He says You got Little Bob Holland and Louis Phy.

Q. Who is Little Bob Holland that is you isn't it?

A. Yes, sir. "And turned up my still" And he said, I don't recollect now what Vernon said about it, Anyhow they cussed and reared around about it and I think before they got through Vernon and Kel Baker went off down the road, and came back, and when they came back Vernon, he said, pulled off his hat, and told him to step on it, when he done that, I think Willie said he put his foot on it, something like that, and he said Vernon just jumped at him then and cut him in the side, and when he stuck the knife in him he just grabbed him and threw him, I believe that is all now I recollect about the right right there.

CROSS EXAMINATION & BY MR. KNIGHT.

Q. He didn't tell you that this occurred ~~on~~ the of the hill?

A. No, sir he told me it occurred down there in that little flat. You see, he went up the hill, little slant, and then down a little---

Q. You know Mr. Halley Holland his brother?

A. Yes, sir.

Q. What kin are you to them.

A. He and their father is second cousins.

Q. You live right close to them?

A. About 400 or five yards.

Q. He didn't tell you that when Vernon rode up he was on the footboard, or stepped on the footboard, and asked him whatever he had against him, and he told him, and that he threw his hat down, and he stepped on it, and he cut his right then, he didn't tell you that?

A. They quarreled about it, and Vernon went off.

Q. From what he told you it was some time after Vernon came up there and threw his hat down before the cutting?

A. He went off and came back, went off with Kelly Baker, I think, down the road, somewhere down the road, and came back.

Q. And this cutting occurred after that? After he had been there sometime, is that right?

A. Yes, sir after he went off down the road.

Q. Why didn't he tell you this, that after Vernon threw his hat down, and he stepped on it

that he got off of the hat, and after he got off of it that Vernon laid his arms around his neck, or his hand on his shoulder, and said "Why, Willie you and me is brother-in-law, I love you, I don't want to have no trouble with you."

A. No, sir, he did not tell me that.

Q. He didn't tell that part of it?

A. He didn't tell me that.

Q. And didn't tell you that that happened after all this hat business had taken place?

A. About his putting his arms around him?

Q. Yes.

A. No.

Q. Did he tell you that he called Vernon a damned liar, a damned son of a bitch, things of that kind.

A. I think they were cussing one another.

Q. Did he tell you what I have asked you?

A. I don't think he did.

Q. Don't think he told you that, and you don't think he told you that after he had called him these vile names that he put his arms about him, or his hand on him gently and begged him not to have any trouble?

A. He didn't tell me that.

Q. Didn't he tell you that when he accused Vernon of taking you and Phy to the still, showing you the still, that Vernon told him and placed with him, said "No, I didn't do that, Willie. I will take you in my car right now and go see these men, and they will tell you I didn't do that? He didn't tell you that?

A. Yes, he said that Vernon told him that.

Q. Willie told you that.

A. Yes, he told me that.

Q. And told you that Halley told him he could not go because he was drinking, did he tell him that?

A. No, he didn't tell me that.

Q. Did he tell you that Vernon said, "All right, I will go with you tomorrow" No, I am not going tomorrow" did he tell you that?

A. No, I don't think he did.

Q. Did he tell you that then they agreed to leave it to Walter Wallace, and go whenever whatever day Walter said, and Walter Wallace fixed Saturday, and after Walter fixed Saturday he said to Vernon "No, you God damned lying son of a bitch, no need of going I know you did it"

Q. Did he tell you that.

A. No, sir he didn't tell me that.

Q. Did he tell you that all the time he was using these vile epithets that Vernon was begging him to go to the officers, and prove to him that he didn't turn him up, and that he finally dismissed the whole thing by saying to him it wasn't no use, he was just a damned lying son of a bitch, and Vernon wasn't only begging him to go to the officers, but pleading with him on the ground that they were kin folks, not to have trouble? He didn't tell you anything of that?

A. No he didn't tell me anything of that.

Minutes Circuit Court, Humphreys County, ^{December} Term, 1st day of January 1906

Therefore the defendant asked that the verdict of the jury be set aside and that he be given a new trial etc. W.A. Knight, J.B. Tubbs, J.F. Shannon. Attys for the Defendant, and the same being fully heard by the court, it is in all things over ruled, To which action of the Court 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 State Penitentiary at Nashville Tenn., at hard labor for an indeterminate period of time of not less than two years nor more than four years, and that he pay the costs of this cause for which let execution issue To which action of the court in over ruling said motion and passing sentence on defendant defendant again excepts

Therefore defendant moved the court in arrest of Judgment which motion was likewise heard by the court and in all things over ruled, to which action of the court defendant excepts.

Therefore defendant prayed an appeal to the Supreme Court at Nashville Tenn. which appeal 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 Seven Thousand Five Hundred Dollars for his appearance before the Supreme Court as required by law and in the event of his failure so to do he will be confined in the Humphreys County Jail to await the action of the Supreme Court.

State of Tennessee
vs. Gland Cooper Col.)
Gland Cooper Col.) Motion to retax costs

In this case 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, issued to 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 to the Comptroller for payment as the law directs.

State of Tennessee
vs. J. Summers Col.)
J. Summers Col.) Motion to retax costs

In this case 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 to the Comptroller for payment as the law directs.

State of Tennessee
vs. Man Young)
Man Young) Carrying a pistol
Man Young) Motion to retax costs

In this case 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

Minutes Circuit Court, Humphreys County, ^{December} Term, 1st day of January 1906

part thereof. so it is therefore ordered adjudged and decreed by the court, that the costs accruing upon the part of the State, be allowed and paid out of the County Treasury, and that the clerk of this court make out and certify the same the County Court Clerk for payment, as the law directs.

State of Tennessee
vs. Man Young)
Man Young) B.D.
Man Young) Motion to retax costs

In this case 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 the Clerk of this court, 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 ordered paid out of the county Treasury, and that the Clerk of this court make out and certify the same to the County Court Clerk as the law directs.

State of Tennessee
vs. Man Young)
Man Young) Drunkenness
Man Young) Motion to retax costs.

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

State of Tennessee
vs. J.C. Potter)
J.C. Potter) B.D.
J.C. Potter) Motion to retax costs.

In this case 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, 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 be allowed and ordered paid out of the County Treasury, and that the Clerk of this court make out and certify the same to the County Clerk for payment as the law directs

State of Tennessee
vs. Otto Sanders)
Otto Sanders) B.D.
Otto Sanders) Motion to retax costs.

In this case 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, 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 order paid out of the County Treasury, and that the Clerk of this court make out and certify the same to the County Court Clerk for payment as the law directs

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

Carmack Tucker Larceny 127 at 75cts. per day	44.25	2 Return Keys	\$2.00	Total	\$97.25
Britton Townsend Larceny 3 at 75cts per day	\$2.25		\$2.00		\$4.25
				Grand	\$101.50

December

C.C. Hobbs Agent
vs.
W.B. Graham
C.W. Cowen and
E.O. Denslow, Surety,

This case was heard by the Hon. J.D.G. Morton, Judge, without the intervention of a jury and after due consideration by the court, upon the whole record in the case and the proof, heard on the hearing, the court is of the opinion that the plea filed by one of the defendant, E.O. Denslow, denying the liability upon the note sued on in this case is not well taken and said plea is therefore stricken. The Court is therefore of opinion that the Plaintiff, C.C. Hobbs, agent, is entitled to a judgment on said note in the sum of \$400.00 principal and \$134.00 interest making a total sum of \$534.00 against W.B. Graham, principal and C.W. Cowen and E.O. Denslow as sureties on said note, for all of which the court hereby renders judgment.

It further appears to the court that this suit was originally brought before a Justice of the Peace and that judgment was rendered thereon before said Justice against the said Graham, as principal, and C.W. Cowen and E.O. Denslow, as sureties and that the defendant, Denslow appealed said case to this court upon said Justice's judgment. And it further appeared to the court upon the trial of the case that C.W. Cowen, one of the sureties, was willing and offered to pay his one-half of the judgment rendered before the Justice of the Peace, and did not appeal therefrom, but the case was brought up this court by the said Denslow, the other surety on said note. It is therefore ordered, adjudged, and decreed by this court that all of the costs of the appeal from said Justice's judgment together with the cost of this court will be and is adjudged against the principal W.B. Graham and E.O. Denslow his sureties, and that the defendant C.W. Cowen be absolved from paying any costs of this appeal or cost that accrued in this Court.

It is therefore ordered, adjudged and decreed by this court, that the plaintiff C.C. Hobbs, agent receiver of the defendant, W.B. Graham, principal, and C.W. Cowen and E.O. Denslow, Sureties, the sum of \$534.00 principal and interest on said note, together with all the cost of this case, for all of which execution will issue.

Tulip Palmer
vs.
William M. Palmer

In the Circuit Court at Waverly, Tennessee, 1925

In this case, it duly appearing to the court, that the defendant William M. Palmer, has been regularly served a subpoena to answer complainant's bill and has failed to appear and make defense to the bill required by law, it is therefore ordered as to him, that the bill be taken for confessed and the cause set for hearing ex parte.

The cause came on further to be heard before the Hon. J.D.G. Morton upon the bill the order proconfesso herein above shown and upon oral testimony had in open court and it satisfactorily appeared to the court from the proof that the facts charged in the bill are true, and that the defendant, William M. Palmer was, when the bill was filed and is now serving a term from one to four years in the state Penitentiary at Nashville, Tennessee, upon the charge of house breaking and larceny.

It is therefore ordered, adjudged, and decreed by the court that the bonds of matrimony subsisting between the complainant and defendant be absolutely and forever dissolved, and that complainant be vested with all the rights of an unmarried person and that her

December

maiden name, Tulip Palmer be restored to her.

It is further ordered, adjudged, and decreed by the court that the defendant William M. Palmer pay the cost of this cause, for which execution will issue.

Calvin D. Dunaway

vs.
Petition for divorce

Term Dunaway

In this case came the plaintiff, and asked the court to be allowed to dismiss this case at his own costs.

It is therefore ordered adjudged and decreed by the court that the defendant recover of the plaintiff all the costs in this case for which execution will issue.

Board bill for boarding Juries in case of vs. John Crowell and Vernon

This day came into open court Miss Minnie Pava, and present and read in open court her account against for boarding Juries in case of State vs. John Crowell and Vernon H. Murrell, which amount is as to John Crowell \$65.00, and as to Vernon Murrell \$46.00. Total amount \$110.00, which account was read in open court and was allowed and ordered paid out of the State Treasury, and that the Clerk make out and certify the same to the Comptroller for payment as the law directs.

Board bill for boarding the jury in case of State vs. Will Hooper.

This day in open court Mrs. T.C. Brant, and present and read in open court her account against the for boarding the jury in case of State vs. Will Hooper, which amount is \$7.00, which account was read in open court and was allowed and ordered paid out of the State Treasury, and that the Clerk of this court make out and certify the same to the State Comptroller for payment as the law directs.

State of Tennessee

vs.
Tad Morris } Suspended sentence

of 30 days on the Defendant appearing to the court that the sentenced ~~120 days~~ 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.

SHERIFF'S BOARD BILL

This day J.L. Smith and Jailor in open Court and present and read in open court his account against the State of Tennessee, for keeping prisoners charged with felonies which amount is \$101.50, which amount is allowed and ordered paid out of the State Treasury, and that the Clerk of this court make and certify the same to the Comptroller for payment as the law directs.

Minutes Circuit Court, Humphreys County, Tennessee, December Term, 1st day of January, 1926

Minutes Circuit Court
State of Tennessee

Murder
December term 1925, Circuit court Humphreys County, Tenn.,
John Crowell vs. INDORSED FILED DEC, 21, day 1925. Albert Binkley Clerk.

The defendant comes and moves the court to amend the original motion for a new trial, filed on the 21 day of December 1925, in this case, and for grounds of said amendment assigns the following:-

One Jim Wheeler who was selected as a juror to try this case, was not a legally qualified juror to try said case, because he had on two different occasions prior to the term he was selected as a juror had formed and expressed an opinion as to the guilt of the defendant John Crowell, having on one occasion stated near Trinity on Spring Creek in 1st. civil District of Humphreys County Tennessee, that the defendant John Crowell ought to be hung for killing Denton Younger, which said statement was made shortly after the trial of said defendant, Crowell, at the April term of this court 1925. That on an other occasion, to wit: December the 16, 1925, after the said Jim Wheeler had been summoned as a juror, and before he was accepted as one of the jurors to try said case, the said Wheeler stated that said Crowell ought to be sent to the pen. The said Jim Wheeler, stated in his examination on his Voir dire that he had not formed nor expressed an opinion as to the guilt or innocence of the defendant Crowell. The defendant Crowell, did not know at the time said Jim Wheeler was selected as juror in said case, that said juror had formed and expressed an opinion as to the guilt or innocence of the defendant, and did not know the facts herein stated until after the original motion was filed in said case, that if he had known it, or that he had any opinion whatever as to his guilt or innocence said defendant would not have accepted him on said jury.

THE AFFIDAVIT OF A.A. ALLISON . AND MRS. C.H. GIBBONS AND D.T. NEIGHBORS, AND HERewith FILED AS Exhibits 1, and 2, of this amended motion and in support thereof.

Wherefore the defendant moved the court to allow said original motion amended as herein set out, and that the verdict of the jury finding the defendant of Voluntary Manslaughter be annulled, and sentencing him to serve three years in the State penitentiary, and that defendant be given a new trial in said case.

J.M. TUEB, J.R. SHANNON, J.R. Morris, attorneys for defendant.

EXHIBIT 1.

INDORSED FILED DECEMBER 22, 1925. At 5 P.M. Albert Binkley Clerk.

State of Tennessee

vs. In the Circuit Court of Humphreys County, Tenn.,
John A. Crowell December term 1925.

Personally appeared before me, Albert Binkley, Clerk of the Circuit Court of Humphreys County, Tenn. D.T. Neighbors being duly sworn, made the following statements under oath: That he is 24 years old, resides in Humphreys County, Tennessee, and that he personally acquainted with one Jim Wheeler, who was a juror in the above styled cause, and tried the case at the present term of this court, that near Trinity on Spring Creek, in the 1st. Civil District of Humphreys County Tennessee, he heard the said Jim Wheeler say that the defendant Crowell ought to be hung for the killing of Denton Younger, sometime shortly after the defendant Crowell had been tried for said killing at the April term of this court, 1925.

That he is

Minutes Circuit Court, Humphreys County, Tennessee, December Term, 1st day of January, 1926

That has not told the defendant Crowell of this statement of the said Wheeler not his attorneys until after the trial of the case and after the verdict of the jury was rendered, at the present term of this court affiant says he is not related to any of the parties in this cause, has no interest in the results thereof. Affiant does not remember to have ever told any one about said Wheelers statement above detailed until after he heard that said Wheeler had been accepted as a juror in the case, and this fact brought the matter to affiant's mind, and he made some statements then as to said fact and he told this to some one out at the store at Trinity. D.T. Neighbors.

Subscribed and sworn to before me

on this 22, day of December 1925.

Albert Binkley Clerk.

EXHIBITS 2 - 4 3.

Indorsed FILED DECEMBER 22, 1925. At 5 o'clock P.M. Albert Binkley Clerk.

A Statement.

We, A.A. Allison and Mrs. C.H. Gibbons, heard Mr. James Wheeler one of the jurors in the of the State of Tennessee vs. John A. Crowell for the Killing of Denton Younger at the December term of the Circuit Court at Waverly Tennessee, 1925 say on Dec. the 16th. after he was summons as a juror, and before he was accepted as one of the jurors to try said cause, that the said Crowell ought to be sent to the pen. This December the 22 1925.

A.A. Allison
Mrs. C.H. Gibbons.

Sworn to and subscribed before me

This the 22, day of December 1925.

S.E. Bryant Notary Public.

No. 36. JIM WHEELER.

Q. Do you solemnly swear you will true answers make to such questions as may be asked you, touching your competency as juror, so help your 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. Nothing only enroumer or talk.

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

A. Yes, sir.

Q. Have you served on the jury in the last two years?

A. Yes, sir.

Q. (JUDGE) not withstanding any opinion you have formed from, roomer, do you think you could go into the jury box and give the defendant a fair trial?

A. Yes, sir.

Q. Where do you live?

A. Big Richland.

Q. Were you here the day the tragedy occurred?

A. No, sir.

Q. Were you here at any of the trials?

A. No, sir.

Q. Have you talked with any body that knew the fact about the case?

A. No, sir.

Q. Have you talked with any body who seemed to know the facts?

A. I have never heard any one talk that seemed to know them.

Q. Did you talk to any one who heard any of the evidence in the case?

A. No, sir.

Q. Did any one undertake to tell you the facts about the tragedy or how it was done?

A. No, sir.

Q. Are you a man of family?

A. Yes, sir.

Q. Were you born and raised in this County?

A. Yes, sir.

Q. Were you in here at the fair?

A. No, sir, I was here that night but I wasn't here at the time of the killing.

ACCEPTED.

State of Tennessee, vs J.A. Crowell, in circuit court Humphreys County, Tennessee.

Personally appeared before me, undersigned authority Mrs. Morrelle Norton who being duly sworn, says that she is a stenographer and that she took down the voir dire examination of the juror, Jim Wheeler, at the time he was examined under oath touching his qualifications as a juror in the above styled case in short hand and she has transcribed the same correctly in type written form, and that the above and foregoing is a correct statement of the questions and answers asked and answered by Wheeler at the time of his said examination as a juror in said case. Mrs. Morrelle Norton.

Subscribed and sworn before me,
on this the 23 day of December 1925

E.W. Collier
Notary Public.
My Commission expires
10 day of Sept. 1927.

Filed December 22, 1925, at 5 P.M. Albert Binkley Clerk.

Albert Moore Trotter

vs. In the Circuit Court, at Waverly, Tenn.

Mary Moore Trotter

In this cause, it duly appearing to the Court, that the defendant Mary Moore Trotter, has been regularly brought before the Court by non-resident publication notice, and properly made and up to the last day of the term had failed to appear and make defence to the petition filed against her in this cause, it is therefore ordered as to her that the petition was taken as confessed, and the cause set for hearing ex parte.

Honorable J.D.G. Morton Judge,
upon the whole record in this cause, and the testimony of witnesses, had in open court, it appeared to the Court that the allegations of petition were true, and that the defendant had willfully and maliciously deserted the petitioner without reasonable cause for more than two whole years before the filing of this petition. It is therefore ordered, adjudged and decreed by the court that the bonds of matrimony now subsisting between the petitioner and the defendant be perpetually and for ever dissolved and that petitioner be restored to all the rights and privileges of an unmarried person. It is further ordered, adjudged and decreed by the Court that the costs of this cause be paid by the petitioner, for which execution may issue.

State of Tennessee vs. Drunkenness of defendant will to the State and to the State of Tennessee.

Carneck Tucker

In this case is dropped and placed upon the Retired docket.

The following case were continued by the court until the next term of this Court

State vs. Henry Lyaville and Lennel Lyaville. State vs. Ora Young. State vs. Bert Hooper, and Sam Street, State vs. Bert Hooper State vs O.C. Hassell. State vs. Roy A. Ingram, State vs. Robert Baker, State vs. Will Davis, State B.V. Divney. State vs. Will Hooper et al, State vs. Curtis Brown, State Curtis Brown, State vs. Will Hughey, State vs. Will Hughey. State vs. Odie Chapple and Pete Morris.

State of Tennessee vs. W.H. Bates

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.

State of Tennessee vs. Akfred Mallard

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.

State of Tennessee vs. Arthur Witherspoon

In this case came the Attorney General for the State and it appearing to the court that this defendant was indicted at a former term of this Court for the offense of unlawfully possessing, and the said defendant was arrested and entered into bond with Erb Wherry and on another as his sureties which bond is in the words and figures as follows to wit:-

BOND.
State of Tennessee, Humphreys County. We, Arthur Witherspoon & Erb Wherry and Tom Hatcher, agree to pay the State of Tennessee, Five Hundred Dollars, unless the said Arthur Witherspoon appears at the office of Circuit Court on the 14th day of Dec. 1925, at 10 o'clock A.M. to answer the offense of possessing whisky and does not depart the Court without leave.

Witness, our hands, this the 20 day of Sept. 1925.
Principal
Arthur Witherspoon, Erb Wherry Security Tom Hatcher Security.
Approved J.M. Reese. J.P.

And the defendant Arthur Witherspoon, being solemnly called to come into open Court and answer the State of Tennessee upon a charge of Possessing Whisky came not but made default and the said Erb Wherry and Tom Hatcher were also called to come into open Court and bring with them the body of the said Arthur Witherspoon according to the tenor and effect of their said bond came not but made default neither came the defendant Arthur Witherspoon nor his said sureties but made default.

It is therefore considered by the Court that the defendant Arthur Witherspoon, and Erb Wherry, and Tom Hatcher 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.

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

State of Tennessee,

vs.

False pretense.

Will Hooper

In this case came the Attorney General for the State, and the defendant in person, and by attorney, who being duly charged and arraigned on said bill of indictment, plead not guilty. Thereupon to try issues joined came a jury of good and lawful men of Humphreys County: to-wit: Brown Morrisett, Tap Mims, Scott Smith, John Lucas, Buck Adams, Jim Parker, 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, upon their oaths do say that 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 case, and the jury be discharged, and the case be continued until the next term of this court.

Benard Mfg. Co.

vs.

Lubb Bowen Co.

In this cause the plaintiff by attorney and move the Court to be allowed to supply the original contract the note and letters filed and deposit deposition taken as evidence in the former trial of this case before the J.P. of Humphreys County, Tenn., as shown and set out by copy held by W.F. Turner Atty, for plaintiffs. All of which the Court has this day granted.

Will Younger

vs.

J.L. Smith and

J.A. Crowell

Damage

In this cause the defendants are allowed thirty days in which to plead to declaration filed in this case December 2, 1925.

Court then adjourned until court in course.

J.P. Morton Judge,

CAPTION APRIL TERM CIRCUIT COURT A D 1928.

STATE OF TENNESSEE

HUMPHREYS COUNTY

Be it remembered that a Circuit Court was opened and held in and for the County, of Humphreys, at the court house in the town of Waverly Tenn. on the 10th day of April, it being the 3rd Monday in said month, and the One Thousand Nine Hundred and Twenty sixth years of our Lord, and the One Hundred and fiftieth year of American Independence.

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

Court was opened in due form of law by J.L. Smith Sheriff of Humphreys County Tennessee, and by him was returned into open court a writ of Venire Facias showing that the following named persons were appointed by the County Court at its April Term 1926 to appear and to serve as jurors at this the present term of this court to wit:

Ed. Lewis, Lee Ross, H.B. Parker, Bob Allison, Howard Bell, J.D. McGrary, J.B. Webb, J.D. Pickett, V.A. Rushing, C.L. Annell, J.W. Knight, J.W. Hutchison, Lee Crowell, Joe. McKnight, T.M. Dotson, Verna Anderson T.K. Simpson, Jeff Page, J.E. McCanless, Dee Rogers, Bob Jackson, Jim Wafford, John Smith, and W.T. Patterson. and it appearing to the Court that the above named parties were regularly summoned by the sheriff of Humphreys County, and that said jurors so summoned appeared and answered said summons except J.N. Page, H.B. Parker, T.K. Simpson, V.A. Rushing Jim Wafford and Lee Crowell, who were excused by the Court for various causes and Sam Rushing John Lehman J.G. Luff, R.H. McKeel, S.F. Sands, and J.T. Bradley were appointed by the Court to fill said vacancies so appearing, and out of said jurors so summoned and appearing were drawn a Grand Jury to wit: T.M. Dotson, W.T. Patterson, Lee Ross, J.W. Knight, Ed. Lewis, J.D. Pickett, Joe. McKnight, J.E. McCanless C.L. Tinnell John Smith, G.P. Hutchison and Bob Jackson, and P.J. Fuqua having been appointed Foreman of the Grand Jury at a former term of this court, and the said Grand Jury is in all things as the law directs, having been duly elected tried and sworn, and charged according to law by the Court, retired to their room in charge of their sworn officer J.C. Thomas, a Constable of Humphreys County sworn according to law to attend them in considering indictments and presentments.

The following cases were continued Benard Mfg. Co. vs. Luff-Bowen Co. Continued pending settlement. J.L. Carroll vs. L.E. Brown et al. G.S. Bone vs. W.N. Phebus, G.S. Bone and Son. vs. C.E. Phebus, Walter Harris vs. James Hargrove et al, J.C. Worley vs. R.P. Work et al.

The following cases were continued Benard Mfg. Co. vs. Luff-Bowen Co. Continued pending settlement. J.L. Carroll vs. L.E. Brown et al. G.S. Bone vs. W.N. Phebus, G.S. Bone and Son. vs. C.E. Phebus, Walter Harris vs. James Hargrove et al, J.C. Worley vs. R.P. Work et al.

Condemnation
J.B. Bell Justice of the Peace for Humphreys County, Tennessee.

filed here in Court the following papers to wit:
NOTE
\$267.75 Waverly, Tenn., Jan 15, 1928. Twelve months after date we or either of us promise to pay to the order of J.C. Worley Two Hundred sixty seven & 75/100 Dollars for value received, payable at the Citizens National Bank of Waverly, Waverly Tennessee. Both makers and endorsers to this note severally and jointly

waive demand notice of non - payment and protest. In the event suit is brought upon this note, we both makers and endorsers, agree to to pay 10 percent's fee to be included in the judgment rendered for collection of same, and we, and each of us both makers and endorsers, hereby authorize, Mason Sanders or J.C. Worley 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 thereof against us in favor of J.C. Worley, or 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 R.P. Work B.E. Wilkins G.C. Williams.

Judgment for \$267.75 as prin. & \$26.77 as attorney's fee making in all \$294.52
J.B. Bell J.P. Filed Jan. 20 1926. Albert Binkley Clerk.

CONFESSED JUDGMENT.

Waverly, Humphreys County, Tennessee. Waverly, Tenn. 1-16, 26

By authority contained in this note, I Mason Sanders, the within name attorney in fact for the makers R.P. Work, and B.E. Wilkins do hereby confess judgment against the said R.P. Work, B.E. Wilkins & G.C. Williams Endorses and in favor of said J.C. Worley the present holder and owner of the note, for \$267.75, and also an attorneys fee amounting to \$26.77 making a total of \$294.52, and all cost of this case, for all of which execution may issue Mason Sanders.

EXECUTION

State of Tennessee, Humphreys County. To any lawful officer to execute and return: You are hereby commanded, that of the goods and chattels, lands and tenements of R.P. Work, and B.E. Wilkins as Prin and G.C. Williams as endorser you cause to be made the sum of Two Hundred Ninety Four & 52/100 (\$294.52,) Dollars and costs of suit, to satisfy a judgment which J.C. Worley obtained before me J.B. Bell, Justice of the Peace on the 16th day of Jan. 1926 against the said R.P. Work, & B.E. Wilkins as Prin & G.C. Williams as endores, and such moneys, when collected, pay to the said J.C. Worley. Given under my hand and seal, this 20th day of Jan. 1926. J.B. Bell Justice of the Peace.

Levy

The execution hereto attached came to hand when issued, and search having been made in my County and no personal property of the principals found upon which to levy the same, I hereby levy said execution upon the following realstate belonging to one of the principals, B.E. Wilkins. Said realstate is situated in the old 13th. now the 5th. Civil District of Humphreys County Tennessee, Near Buffalo P.O. Bounded and described as follows to wit: Beginning on a black oak, the S.E. Corner of Grant No. 17, 517, Granted to Daniel Pruett, it also being the S.E. Corner of lands to Lewis Brown to W.J. D runs from the east 49 1/2 poles to a pile of stone, then 79 poles to a stake, the E. 44 poles to a stake, then N. 76 1/2 poles to a stake, then 93 1/2 poles to a stake in the W.B. line of above mentioned Grant. Then S. 155 poles to the beginning. Containin 60 acres more or less. Being the same land conveyed to the said Wilkins by deed of Samuel B. Lee Jr. Attorney in fact, dated 8th day of May 1903 of record in Book 17 page 318, Registers office Humphreys County Tennessee, to which reference is here made. This January 20th. 1926. George B. Smith. Deputy Sheriff Humphreys County.

Filed Jan. 20th. 1926. Albert Binkley Clerk.

And upon motion of the plaintiff, it is ordered by the Court the the lands lands so levied upon be sold by the Sheriff of Humphreys County Tennessee, to satisfy the aforesaid judgment of J.B. Bell J.P. of the said J.C. Worley, and also the cost of this proceedings.

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

J.B. Bell Judge.

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

Jess L. Byrn

vs.

STAY Hatley) In the circuit Court of Humphreys County, April term 1928, On appeal f
L.B. Hatley,) from J.P.

Jim Brandon

J.C. Brandon

Further Brandon came the plaintiff and submitted the issues involved in this case to the judge of the court without the intervention of a jury, and after hearing the evidence the court finds that there is a balance due on the note issued on cause

including principal and interest the Sum of Two hundred and twenty three dollars and 5 cents.

It is therefore considered by the court that the plaintiff recover of the defendants and Luther Hudson surety on appeal bond the sum of two hundred and twenty three dollars and 5 cents, and the costs of this suit, for which execution will issue.

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

One against Joe Rainey and Claud Rainey M. Liquor Subpoena for the State G.B. Smith, J.L. Smith, Lewis Phy, Bob Holland Oscar Killman Beatrice Killman Claud Luten, Thurman Phy.

One against Grady Stewart Drunkenness. Subpoena for the State Jess Stewart Lewid Phy, Ollie Brown.

One against J.F. Gibson Assault and Battery, Subpoena for the State L.B. Warren D.W. Ethridge, E.A. Box, Ol Long Col

One against V.A. Miller Davis Crafton and Hafford Boyd Possessing Liquor. Subpoena for the State J.L. Smith Vernon Brewer D.B. McCann.

One against Marion Gun, W.M. Gun, Ben Williams Bery Slaughter Taft Slaughter Pleas Burgess. M. Liquor, Sunpoena for the State J.L. Smith and J.C. Thomas.

One against Willie Young and Frank Young M. Liquor Subpoena for the State G.B. Smith and J.L. Smith and Robt. Harris.

One against Jeff Williams col. Transporting Whisky. Subpoena for the State D.B. McCann.

One against Wyly Box. B.D. Subp eena for the State G.B. Smith, J.L. Smith, Lewis Lewis Phy Felix Smith, and Bob Browning

One against Rainie Wilson and Clyde Tipton B.D. Subpoena for the State J.L. Smith Lewis Phy, Vernon Brewer, and J.C. Thomas

One against Burian Dankley col. B.D. Subpoena for the State Vernon Brewer, and J.C. Thomas.

One against John Clark, Lee Elliott Richard Shans and Shade Pruett M. Liquor . Subpoena for the State, J.L. Smith Jno. Elliott Leslie Fortner Bob Holland Vernon arwer, J.C. Thomas, and Claud Luten and Walter Elliott

One against Dalton Box and Wyly Box M. Liquor, Subpoena for the State G.B. Smith J.L. Smith, Lewis Phy, Bob Browning and Felix Smith.

State of Tennessee)

vs.

M. Liquor

Oliver Marable)

In this case the Grand Jury return an indictment marked not a True Bill. It is therefore ordered adjudged and decreed by the court the defendant go hence without day.

State of Tennessee)

vs.

M. Liquor,

Lute Allen Col.)

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.

One against Gene Madock Larceny, which indictment is in the words and figures following to wit. State of Tennessee, Humphreys County, The Grand Jury 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 Gene Madock col. heretofore to wit, on the 27th. day of Dec. 1928, in the county foresaid unlawfully and feloniously did steal, take and carry away, and one pair shoes of the value of three dollars, the property of B.E. Hensley 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,

APR. Term 1928 THE STATE vsm Gene Madock col. Larceny. B.E. Henslee Prosecutor Subpoena for the State B.E. Henslee Basil Anthony col. Frand Anderson Witnesses sworn by me on this indictment before the Grand Jury Apr. Term 1928. P.J. Fuqua Foreman Grand Jury Jno. B. Bowma Attorney General. A TRUE BILL P.J. Fuqua Attorney General.

One against Ed, Brown and Vernon Forester M. Liquor Subpoena for the State G.B. Smith J.L. Smith Lewis Phy, J.C. Thoam, Bob Holland and D. Story.

One against Ed. Borwn B.D. Subpoena for the State G.B. Smith, J.L. Smith Lewis Phy. J.C. Thomas Bob Holland D. Story.

State of Tennessee)

vs.

Profanity.

Jim and Walter Miller)

In this case the attorney General for the State and the defendants in person and plead guilty as charged Thereupon the Court assess the penalty and sayd they shall pay a fine of five dollars to gether with all the costs.

Then came into open court W.E. Wyatt and O.E. Smith 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 defendants and heir sureties all of said fine and costs for which let execution issue.

State of Tennessee

vs. Drunkenness

Walter Miller

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.

Then came into open court W.E. Wyatt, and O.E. Smith and entered their names as sureties for all of said fine and costs.

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

State of Tennessee

vs. Drunkenness

Jim Miller

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 W.E. Wyatt and O.E. Smith and entered their name as sureties for all of said fine and costs.

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

State of Tennessee

vs. Carrying a pistol

Jim Miller

In the 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 the cost, then came into open court W.E. Wyatt and O.E. Smith 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

The following case ordered by the court to be placed upon the retired docket.

State vs. John Arington A.B. State vs. Toad Mathis, B.D. State vs. Bob Lawrence M. Liquor. State Chas Legon Drunkenness. State vs. John H. Scott M. Liquor. State vs.

Finis Hendrix. Drunkenness, State vs. C.S. Colston.

The following cases Alias capases were ordered issued for the defendants. State vs. John Mongunery, Drunkenness. State Hubb Colley B.D. State of Tennessee vs. W.E. Murphee Forgery. State vs. W.E. Murphee Forgery. State vs. Chas Summers, Forgery. State vs.

W.C. Tinnell, Forgery, State vs. W.C. Tinnell Forgery. State vs. Roy Radford M. Liquor State vs. Elvinton Drunkenness State vs. Bobbie Elvinton Disturbing worship.

State vs. F.C. Hudson, State vs. Dave Smith Bigamy. State vs. Will Palmer Burglary

State vs. Will Palmer Burglary. State vs. J.W. Utley Fals pretense. State vs. Elwood Riley Assault to commit murder in the first degree. State Elwood Riley Profranty.

State vs. Dalton Turner B.D. State John Warden Drunkenness, State vs. John Warden Disturbing worship.

State of Tennessee

vs.

J.S. Mathews and P.H. Pruett

In this case came the Attorney General for the State, and defendant in person and plead guilty as charged. Thereupon the Court Assess the penalty and they shall pay fine of One hundred dollars each together with all the costs, then came into open court O.E. Smith and C.N. Simpson and entered their name as sureties for the fine and costs as the defendant J.S. Mathews fine and costs, and then came into open court P.V. Pruett and W.H. Knight and entered their names as sureties for all of said fines and costs as to P.H. Pruett.

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

State of Tennessee

vs.

Wily Morrisett

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 H.F. Fortner, V.A. Rushing J.B. Link, and D.L. Warren, 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 cost for which let execution issue.

State of Tennessee

vs.

Josh Howe and John Diveny

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 they shall pay a fine of One hundred dollars each together with all the costs, then came into open court the defendants and paid to the Clerk of the court all of said fines and costs. It is therefore ordered adjudged and decreed by the court that the defendants be discharged and go hence without day.

State of Tennessee

vs.

R.L. Sutton

In the 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 be confined in the County for a period of thirty day and pay the costs of this case, and in the events of his failure to pay or secured said cost he will be further confined in said Humphreys County, jail until pay secure or workout all of said costs.

Minutes Circuit Court, Humphreys County, April Term, 20th day of April 1928

State of Tennessee)
 vs.) B.D.
 Arthur Witherspoon,)

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 Erb C. Wherry and J.B. Pruett 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.) M. Liquor.
 Joe Edwards and)
 Willie Brown)

In this case came the Attorney General for the State and the defendant Joe Edwards, and entered a plea of guilty. Thereupon the Court assess the penalty and say he shall be confined in the County Jail for a period of 90 days and pay a fine of \$250.00, together with all if the costs then came into open court N.B. Edwards S.T. Edwards J.H. Brown and J.W. Tinnell, 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 ^{and his sureties} recover of the defendant Joe Edwards all of said fine and costs, and the defendant be confined in the county jail for ~~period~~ a period of 90 days, and the case is continued on a plea of guilty as to Willie Brown.

State of Tennessee)
 vs.) Drunkenness
 John Diviny)

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 he shall pay a fine of five dollars together with all the costs, then came into open court Jim Diviny and O.E. Smith and entered their names as sureties for all of said fine and costs. It is therefore ordered adjudged and decreed by the court that the State of Tennessee recover of the defendant and his sureties all of said fine and costs for which let execution issue.

State of Tennessee)
 vs.) Drunkenness
 John Henry Ethridge)

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 say he shall pay a fine of five dollars together with all the costs, then came into open court C.N. Simpson and Dink Mesley 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.

Minutes Circuit Court, Humphreys County, April Term, 20th day of April 1928

State of Tennessee)
 vs.) B.D.
 Jeff Williams 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 Humphreys County Jail ~~until he pay secure all of said fine and costs.~~

Court then adjourned until to morrow morning at 9:00 o'clock.

J. J. Moxton
 Judge.

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

vs.) False pretense
John Lancaster

In this case came the Attorney General for the State and the defendant in person, and by Attorney, who being duly charged and arraigned on said bill of indictment plead not guilty, thereupon to try the issue joined came a jury of good and lawful men of Humphreys County to wit: Howard Bell Bob Allison, J.D. Mc. Crary Dee Rogers, J.B. Webb, Vernon Anderson, Sam Rushing John Lehman J.G. Luff, R.H. McKeel, S.F. Sands, and J.T. Bradley. who being duly elected tried and sworn according to law, who after hearing hear the proof, argument of counsel, and the charge of the court upon their oath do say they find the defendant not guilty.

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

State of Tennessee
vs.) M. Liquor.
Grady Chance

This case is continued upon application the State

State of Tennessee
vs.) Disturbing worship.
Roscoe Latimore

In this case came the Attorney 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.) Drunkenness
Henry Lynville et, al,

This case is continued because of absence of witness Bay.
Bradley.

State of Tennessee
vs.) Drunkenness
Ora Young,

In this case came the Attorney General for the State and the defendant in person and by attorney, who being duly charged and arraigned on said bill of indictment plead not guilty. Thereupon to try the issue joined came a jury of good and lawful men of Humphreys County, to wit: Howard Bell, Bob Allison, J.D. McCrary Dee Rogers J.B. Webb, Vernon Anderson Sam Rushing John Lehman J.G. Luff, R.H. McKeel S.F. Sands, and J.T. Bradley who being duly elected tried and sworn according to who after hearing all the proff argument of counsel and the charge of the court, upon their oath do say they find the defendant guilty as charge in said bill of indictment Thereupon the Court assess the penalty and say she shall pay a fine of Twenty Five dollars together with all the costs, then came into open court John Young and paid to the Clerk of this court all of said fine and costs.

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

State of Tennessee)
vs.) M. Liquor
Bert Hooper et, al,

This case is continued on account of the absence of Howard Brown attorney for the defendants.

State of Tennessee
vs.) M. Liquor.
O.C. Hassell

In this case came the Attorney General for the State and the defendant in person and by attorney, who being duly charged and arraigned on said bill of indictment plead not guilty. Thereupon to try the issue joined came a jury of good and lawful men of Humphreys County to wit: J.B. Webb, Verny Anderson S.F. Snads J.T. Bradley Bob Allison Howard Bell Dee Rogers Sam Rushing R.H. McKeel J.G. Luff John Lehman and J.D. McCrary. who being elected tried and sworn according to law who after hearing all the proof, argument of counsel and the charge of the Court upn their oath do say they find the defendant guilty of possessin a still 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 that he be confid confined in the County Jail for a peroid of ninety day, and in the eveny of his failure to pay or secured said fine and costs he will further confined in said County jail until he pay secure or work out all of said fine and costs.

State of Tennessee
vs.) M. Liquor.
Roy Ingram
This case is continued on account of the illness of the defendant's wife.

This day the Grand Jury came into open court and a body and present an indictment against James Pillow which indictment is in the words and figures following to wit: State of Tennessee. Humphreys County. Apr. Term of Circuit Court, A.D. 1928. 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 James Pillows of said county, heretofore to wit, on the 24th day of April 1928, in the county aforesaid, unlawfully and feloniously did steal, take and carry away, Four & 50/100 dollars, good and lawful money of the U.S. denomination to the Grand Jurors unknown and one coat all of the value of six & 50/100 dollars of the proerty of Clara Goodrich col. 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. Apr. Term, 1928. THE STATE vs. James Pillows Larceny Clara Goodrich Prosecutor. Subpoena for the state Clara Goodrich G.B. Smith, and Bob Warren witnesses sworn by me on this indictment before the Grand Jury Apr. Term 1928. P.J. Fiqua Foreman Grand Jury. Jno. B. Bowman Attorney General A TRUE BILL P.J. Fuqua Foreman Grand Jury

State of Tennessee

vs.) Disturbing worship
Paul J. Wright

This case is continued upon a plea of guilty.

The following cases were continued upon a plea of guilty until the next term of this Court. State vs. Wylie box possessing whisky State vs. Dalton Box et al, M. Liquor. State vs. Ranney Williams Possessing Liquor. State vs. Burain Dankley col. B.D. State of Tennessee vs. Ed Brown Possessing whisky State vs. Curtis Brown Profanity,

State of Tennessee

vs.) B.D.
Will Hughey

In this case came the Attorney 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.) M. Liquor
Will Hughey

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 to try the issue joined came a jury of good and lawful men of Humphreys to wit, Sam Rushing R.H. McKeel Pleas Watts John Lehman J.D. McCrary J.B. Webb, Oscar Hudson, S.F. Sands, Bob Allison Howard Bell J.T. Bradley, and Dee Rogers who being duly elected tried and sworn according to law to well and truly try the issues joined, who after hearing all the proof argument of counsel and the charge of the court upon their oaths do say that 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.) Assault to Kill.
Sadie Price

In this case came the Attorney General for the State, and the defendant in person and by attorney who being duly charged and arraigned on said bill of indictment plead not guilty. Thereupon to try the issue joined came a jury of good and lawful men of Humphreys County, to wit: Dee. Rogers, Howard Bell Bob Allison J.T. Bradley, S.F. Snads, Verny Anderson J.B. Webb, J.D. McCrary John Lehman J.G. Luff R.H. McKeel and Sam Rushing, who after hearing all the proof argument of counsel and the charged of the court upon their oath do say they find the defendant guilty as as charged in said bill of indictment. Thereupon the Court assess the penalty and say she shall be confined in the county jail for a period of 90 days and pay a fine of twenty five dollars together with all the costs, and in the event of her failure to pay or secured said fine and costs, she will be further confined in the county jail until she pay secures or works out all of said fine and costs.

State of Tennessee

vs.) B.D.
H.C. Thompson

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

State of Tennessee

vs.) Drunkenness
H.C. Thompson

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

Court then adjourned until to morrow morning at 9:00 o'clock,

J. M. Norton Judge.

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

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

A.E. Hunter Prosecutor

One against Fate Williams Assault and Battery, Subpoena for the State Winfrey Hunter Glen Beasley Hubert Olevonger.

One against Elgie Clayde Drunkenness, Subpoena for the State D.T. Taylor, Ernest Clemens Mrs. Jesse Taylor.

One against Tad Morris Drunkenness, Subpoena for the State J.C. Dunaway, J.C. Thomas, and Vernon Brewer.

One against Ferrell Pruett and Long Daniel Disturbing wordhip, Subpoena for the State Albert Guthrie, and Jim Story.

One against Tom Howell Drunkenness, Subpoena for the State, Mrs. Milt Mosley Chas Mosley, and Curley Buchanan.

One against Tad Morris vs. Vernon Brewer Prosecutor, Subpoena for the State Vernon Brewer, J.C. Thomas, and J.C. Dunaway.

One against W.E. Hooper Bad Check, which indictment is in the words and figures following to wit, State of Tennessee, Humphreys County, April Term of Circuit Court, A.D. 1926. The Grand Jurors for the State of Tennessee, duly elected, empaneled, sworn and and charged to inquire for the body of the County of Humphreys, and State aforesaid upon their oath aforesaid present that W.E. Hooper heretofore to wit, on the 12th day of Dec. 1925, in said County and State, unlawfully did obtain from the Citizens Bank of Waverly, Tenn. with fraudulent intent Fifty dollars, good and lawful money of the United States of the value of fifty Dollars, by means of a draft of which he, the said W.E. Hooper was the drawer on the Curtis Lumber and Veneer Co., of Chicago, Ill., for the sum of fifty dollars, which said draft was presented to the drawee, the said Curtis Lumber and Veneer Co. and not paid by them and was not paid by the drawer, the said W.E. Hooper, after three days notice, in writing having been mailed to the said W.E. Hooper's last known address, contrary to the Statute and Against the peace and dignity of the state. Jno. B. Bowman Attorney General. Apr. Term, 1926. THE STATE vs. W.E. Hooper Bad check. W.B. Nolan/Cashier. Subpoena for the state. W.B. Nolan, J.F. Fowkes. Witnesses sworn by me on this indictment before the Grand Jury Apr. Term 1926. P.J. Fuqua Foreman Grand Jury. JNO. B. Bowman Attorney General. A TRUE BILL P.J. Fuqua Foreman Grand Jury.

One against Tad Morris assault to commit murder in the first degree which indictment is in the words and figure following to wit, State of Tenness, Humphreys County. April Term of Circuit Court, A.D. 1926. 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 Tad Morris od said County heretofore, to wit, on the 28th. day of Feb. 1926. with force and arms, in the County aforesaid, unlawfully, feloniously, willfully, deliberately, premeditatedly and maliciously, did make an assault upon the body of one J.C. Dunaway with a certain knife with the unlawful and felonious intent, then and there, him the said J.C. Dunaway unlawfully, feloniously, wilfully, deliberately, premeditated, and of his malice aforethought, to kill, and upon him to commit the crime and felony of murder in the first degree, against the peace and dignity of the State Jno. B. Bowman Attorney General.

Apr. Term 1926. THE STATE vs. Tad Morris Assault with intent to commit murder in the first degree. J.C. Dunaway Prosecutor. Subpoena for the State/ J.C. Dunaway, Vernon Brewer J.C. Thomas, Witness sworn by me on this indictment before the Grand Jury Apr. Term 1926. P.J. Fuqua Foreman Grand Jury. Jno. B. Bowman Attorney General, A TRUE BILL P.J. Fuqua Foreman Grand Jury.

GRAND JURY REPORT.

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

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

We have visited the County Jail and Poor house and find the prisoners and inmates well fed and cared for. We recommend that the toilet be repaired at the jail and that the building be screened both up stairs and down and that some disinfective be used.

We, have examined all bonds required to be examined by us and find them properly executed and good and solvent for the several amounts thereof except the AdmR, bond of J.C. Berryman which we recommend to be strengthened, and now having completed our labors we respectfully ask to be discharged for the term. P.J. Fuqua, T.M. Dotson W.T. Patterson Lee. Ross, J.W. Knight Ed. W. Lewis J.D. Pickett Joe McKnight, J.E. McCanless C.L. Tinnell John Smith G.P. Hutchison and Bob Jackson

State of Tennessee)
vs.) Age consent.
Bud Barr 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 plead not. Therupon to try issue joined came a jury of good and lawful men of Humphreys County, to wit, Dee Rogers, Howard Bell Bob Allison, J.T. Bradley, S.F. Sands, Verry Anderson J.B. Webb, J.D. McCrary, John Lehman, J.C. Luff, R.H. McKeel, and Sam Rushing, who being duly elected tried and sworn according to law to well and true try the issues joined, who after hearing the proof argument of counsel, and the charge of the court upon their oaths do say that they find the defendant not guilty as charged in said bill of indictment.

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

State of Tennessee)
vs.) Larceny
Robert Baker)

In this case came the Attorney General for the State and the defendant in person and by attorney, who being duly charged and arraigned on said bill of indictment, plead not guilty. Thereupon to try the issue joined came a jury of good and lawful men of Humphreys County to wit; Howard Bell, Bob Allison, J.D. McCrary, Dee Rogers J.B. Webb Vernon Anderson, Same Rushing John Lehman J.C. Luff, R.H. McKeel J.F. Sands and J.T. Bradley, who being duly elected tried and sworn according to law upon their oaths do say they find the defendant guilty of petete Larceny and fix his punishment at confined a ent in the county jail for a period of 30 days.

It is therefore ordered adjudged and decreed by the court that for 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 further be confined in the county jail until he pay secure or work out all of said fine and costs. The defendant is also rendered infamous, disqualified to exercise the elect franchise or give evidence in any of the courts of this State.

State of Tennessee

vs. Larceny

Gene Madook 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: Howard Bell, Bob Allison, J.D. McCrary, Dee Rogers, J.B. Webb, Vernon Anderson, Sam Rushing, John Lehman, J.G. Luff, R.H. McKeel, S.F. Sands, and J.T. Bradley, who being duly elected, tried and sworn according to law upon their oaths do say that they find the defendant guilty of petite larceny, and fix 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~~ 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~~ he will be further confined in the County Jail or workhouse until he pay secure or work out all of said costs.

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

State of Tennessee

vs. Larceny

James Pillows col.) In this case came the Attorney General for the State and the defendant in person, and by attorney, ~~and~~ 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: Howard Bell, Bob Allison, J.D. McCrary, Dee Rogers, J.B. Webb, Vernon Anderson, Sam Rushing, John Lehman, J.G. Luff, R.H. McKeel, S.F. Sands, and J.T. Bradley, who being duly elected, tried and sworn according to law upon their oaths do say that they find the defendant guilty of petite larceny, and fixed his punishment at ~~sixty~~ confinement in the county jail for a period of 30 days.

It is therefore ordered adjudged, and decreed by the court that for offense as found by the jury the defendant be confined in the county jail for a period of 30 days, and that they pay the costs of this cause, for which let execution issue, and in the event of his failure to pay or secure said cost he will be further confined in the County Jail until he pay secure or work out all of said costs.

The defendant is hereby rendered infamous, disqualified to exercise the elect franchise or give evidence in any of the courts of this state.

State of Tennessee

vs. Possessing Liquor.

Will Davis

In this case came the Attorney General for the State and it appearing to the Court that this defendant was indicted at a former term of the court for the offense of ~~possessing liquor~~ and the said defendant was arrested and entered into bond with J.M. Bone and ~~E.L. Davis~~ E.L. Davis as his sureties which bond is as follows to wit:

BOND

State of Tennessee, Humphreys County. We Will Davis and ~~-----~~ agree to pay the State of Tennessee Two Hundred fifty (\$250.00) Dollars unless the said Will Davis 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 1928, on Tuesday of said term to answer the State of Tennessee for the offense of assault and Battery, and do not depart the Court without leave, / Will Davis

E.L. Davis. Approved Geo. B. Smith D. Sheriff. This 18 day of August 1928.

And the defendant Will Davis being called to come into open court and answer the State of Tennessee, upon a charge of Assault and Battery, came not but made default and the said J.M. Bone and E.L. Davis were also called to come into open court and bring with them the body of the said Will Davis according to the tenor and effect of their said bond came not but made default neither came the defendant Will Davis nor his said sureties but made default.

It is therefore considered by the Court that the defendant Will Davis, and J.M. Bone and E.L. Davis 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 said bond.

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

State of Tennessee

vs. Possessing a still

Claud and Joe Raney

In this case came the Attorney General for the State and the it ~~defendant~~ appearing to the Court that the defendant was indicted at ~~the~~ the Court for the offense of unlawfully possessing a still and the said ~~defendant~~ Claud Raney was arrested and entered into bond with J.B. Pruett, and Chas Pruett as his sureties which bond is in the words and figures following to wit:

BOND.

State of Tennessee Humphreys County. We, ~~-----~~ agree to pay to the State of Tennessee Five Hundred ~~XXXXXX~~ (\$500.00) dollars unless the said Claud Raney 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 1928, on Tuesday of said term, to answer the State of Tennessee for the offense of possessing a still and do not depart the Court without leave Claud Raney Principal J.B. Pruett Surety Chas Pruett Surety

Approved

----- Sheriff, This --- day of ----- 1928 By ----- Deputy

And the defendant Claud Rainey being solemnly called to come into open Court and answer the State of Tennessee upon a charge of possessing a still came not but made default and the said J.B. Pruett and Chas Pruett were also called to come into open Court and bring with them the body of the said Claud Rainey, according to the tenor and effect of their said bond came not but made default neither came the defendant Claud Rainey nor his said sureties but made default.

It is therefore considered by the Court that the defendant Claud Rainey, and J.B. Pruett, and Chas Pruett 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. And further that Sci. Fa. Issue to the said defendant and his said sureties requiring them to appear at the next term of this court, and show cause if any they have why this judgment should not be made final. And further that ALIAS CAPIAS issue for the defendant, and the case is continued as to the defendant Joe Rainey.

Court then adjourned until tomorrow morning at 9:00 o'clock.

Judge.

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

Mrs. Ruby Burns et al, vs. J.E. Tubb et al, Contested will. The parties by their attorneys and a jury of good and lawful men of Humphreys County, to wit: A.D. Thompson J.H. Pearl, R.P. Trebue Sam Scott S.F. Sands J.W. Simpson Dan Dodd, C.E. Moore, L.P. Gwin, E.L. Mc Collum, Bond Anderson and W.T. Patterson, who being duly selected tried and sworn according to law to try the issue joined, who after hearing part of the evidence, and not having time to complete the trial of this case, said jury was resworn by the court, until tomorrow morning at 8:00 o'clock.

Judge.

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

vs. Ruby Burns et al. In the Circuit Court of Humphreys County, Tenn.

Came the parties, and a jury, to wit: A.D. Thompson, J.H. Pearl R.P. Trabue, Sam Scott, S.F. Sands, J.W. Simpson, Dan Dodd, C.H. Moore, L.P. Gwin G.L. McCollum Bond Anderson and W.T. Patterson, who being elected, tried and sworn the

truth to speak on the issues joined, upon their oaths do say that the writing mentioned in the issue is the last will and testament of Anne Hedge deceased which will is in the words and figures as follows:

WILL, I, Anne Hedge, do make and publish this my last will and testament, hereby revoke and make void any and all other wills hereuntof made by me.

1st. I direct that my funeral and burial expenses and all my just debts be paid out of the first moneys that may come into the hands of my Executor, as soon after my death as practical.

2d. I direct that my grand daughter Ruby Burns, formerly Ruby Hedge, shall have my cut glass bowl, and I want my other grand daughter Carrie Phelan, formerly Carrie Hedge, to have my cut glass water bowl, and I want my grand son John Hedge to have my cut glass sugar bowl, and cream pitcher, and if there be any cut glass tumblers left at my death I want them to go to said grand daughter, Ruby Burns.

3rd. It is my will, and I so direct my Executor herein named to allow my three grand children to wit the said Ruby Burns, Carrie Phelan and John Hedge the only children of my deceased son John H. Hedge, to select for themselves such articles of my household and kitchen furniture as they or each of them may desire to keep and make such division of same as they can agree upon, and all such property that they do not want and do not divide among themselves shall be converted into money by my Executor. But I have already designated certain feather beds that I want my two granddaughters Ruby Burns and Carrie Phelan to have and they each know which bed I want each to have, and I want them to have these beds, and I want my said grand son John Hedge to be given a new feather bed out of my estate by my Executor.

4th. I give and bequeath unto my said grand son John Hedge my father H.W. Whitfield's watch and walking stick.

5th. It is my will and desire and I so direct my Executor to convert all the balance or remainder of my personal property that I may die possessed of into money and after paying off the foregoing matters provided for and the expenses of administering my estate under this will he will divide the net proceeds of the same equally among my said three grand children, to wit Ruby Burns, Carrie Phelan and John Hedge.

6th. I will and bequeath to R.L. Mulliniks my farm on which I now live to be held by him in trust for the benefit of my said three grand children to wit Ruby Burns Carrie Phelan and John Hedge, until the said John Hedge shall become twenty one years old, or until his death should he die before he reaches the age of twenty one years, and I will and direct that the said Mulliniks shall take full charge and control of said farm and handle the same to the best advantage and benefit of my said three grand children, renting it out to good tenant collect the rents annually pay all taxes and keep up all necessary repairs and said lands and all other necessary expenses of handling the same in an economical and good businesslike manner, and shall pay the net rents or income from said farm over to my said three grandchildren equally except he will retain in his own hands the share or part to which said

John Hedge is or maybe entitled to and spend or use it for him in whatever way in his judgment be most needful and if there be anything left I direct that it shall be loaned out taking notes with good solvent security for the benefit of said John Hedge. And when this trust shall cease or terminate as above provided for then I direct the said trustee, R.L. Mulliniks shall turn over to the said John Hedge whatever net rents may then be in his hands, including whatever accumulations there maybe on the same, if any. I also direct the said Mulliniks at the termination of said trust to turn said farm over to my Executor herein named and I here empower my said Executor and direct

him to sell said farm either publicly or privately and either for cash or on time to obtain the best results for my said three grand children in such sale and I hereby direct and empower my said Executor to make a deed to the purchaser for said farm when sold. I further direct my said Executor after pay all of the expenses incident to the selling of said farm and reinvesting the proceeds as hereinafter directed to divide the net proceeds of such sale equally into three equal parts, and to invest for each of my said grand children one part of said proceeds of said sale in a home for each of my said three grand children either in the country or town or city property as to they prefer taking the title to the same to each of them for and during their natural life with remainder in their heirs. It being my intention to have one third of the net proceeds of the sale of my said farm to be invested for a home for each of said grand children, that is I want Ruby Burns to have one third invested in a home for her, and one third of said proceeds invested in a home for Carrie Phelan, and the remainder to be invested in a home for said John Hedge the title to each home to taken of said grand children during his or her lifetime etc.

I mean by my farm above referred to all the lands that I may die seized and possessed of. It is my will should any one or more of my said grand children should die without issue then I direct that the surviving one or ones shall be entitled to have the net proceeds of said sale divided equally between them and invested in a home for them as above provided for.

7th. I also direct my Executor to pay over to said R.L. Mulliniks whatever share or interest that shall go to or belong to my said grand son John Hedge out of my personal property or that shall belong to him out of the net proceeds of the sale of the said property to be held in trust by the said Mulliniks for the benefit of my said grand son John Hedge and such moneys shall be invested by said Mulliniks in productive stocks, bonds notes or mortgages and he shall collect the income therefrom and after paying all taxes and expenses of so handling the same he shall use the net income from said personal property for the best interest and advantage of said grand son, and any surplus income shall be invested and handled as the principal, and when the said John Hedge shall become twenty one years old then the said R.L. Mulliniks will pay over to him all the money and personal property of every character and kind that he has belonging to the said John Hedge, and his trust shall cease and terminate but should the John Hedge die before he is twenty one years old, without issue, then the said Mulliniks will pay over said money or personal property belonging to said John Hedge to my other grand children above named or to their heirs should either or both be dead. And I further direct that if the said R.L. Mulliniks thinks it best and needful to do so he shall use a part or all of said personal property in paying the necessary expenses in educating the said John Hedge.

8th. I hereby nominate and appoint J.E. Tubb to be the Executor of this Will.

Witness my hand this September 28th. 1923.

Anne Hedge.

The foregoing instrument of three typewritten pages was this day declared by the said Anne Hedge to us to be her last will and testament, and we at her request and in her presence sign our names hereto as attesting witness, to said instrument, Sept. 28, 1923.

J.A. Mulliniks.

C.P. Burchard.

Therefore it is adjudged by the court that said writing is the last will and testament of the said Anne Hedge, deceased, and that the plaintiff recover of the defendant and the Sureties for the prosecution of this suit, to wit, Mrs. Ruby Burns, Mrs. Carrie Phelan, Mrs. Lela Burchard, and their sureties, L.W. Smith Hubbert, C. Phelan, T.C. Herb Herbert, J.P. Burns, and C.P. Burchard, the costs herein accrued.

It is further ~~ordered~~ ordered that the Clerk of this court certify a copy of the record in this case to the County court of Humphreys County, together with the original will, there to be recorded

MOTION FOR NEW TRIAL.

J.E. Tubb Exr.
Vs. In the Circuit Court at Waverly, Tennessee.
Ruby Burns et al.,

Comes the defendants by their attorneys move the court for a new trial in the above cause and for grounds of their said motion they set out as follows

I

Because the weight of the evidence preponderates against the verdict of the jury in favor of the plaintiffs.

Because there is no evidence to support the verdict of the jury.

III

Because there is no legal and competent evidence to support the verdict of the jury that the will in question was legally and properly executed.

VI

Because the Court erred in permitting over the objection of defendant the evidence of the witness, W.L. Cude County Court Clerk, of Humphreys County, including the minutes of the County Court as an exhibit to his testimony showing the probate of the purported will, a copy of which minutes is hereto attached and made part of the 4th Ground of this motion.

400,

Minutes, February Term, 1st. day of February, 1924.
Friday Morning Overlook A.M. February 1st. 1924, County Court of Humphreys County met pursuant to adjournment, present and presiding his Hon. J.R. Morris, Judge, when the following proceeding were had to wit: J.E. Tubb Excu. Will of Mrs. Anne Hedge Exparte. On this the 26th. of January 1924 came J.E. Tubb and produced in open Court a certain paper writing purporting to be the last will and testament of Mrs. Anne Hedge which paper is dated Sept. 28, 1923. signed Anne Hedge, and attested by C.P. Burchard and J.A. Mulliniks as witnesses thereto, said J.E. Tubb being therein nominated as the Executor thereof and thereupon said J.E. Tubb stated said Anne Hedge was dead and moved the Court to admit said paper to probate as the last will and testament of said

Anne Hedge, and it appearing to the Court by the testimony of said C.P. Burchard and J.A. Mulliniks who were duly sworn and examined in open Court touching the execution of said paper, that said Anne Hedge on the date which paper bears signed and published said paper as her last will and testament in the presence of the said C.P. Burchard and J.A. Mulliniks, and that they in the presence of the said Anne Hedge had at her request then and there signed their names to said paper as attesting witnesses thereto and that the said Anne Hedge is now dead.

It is therefore considered by the Court that the said paper is the last will and testament of said Anne Hedge, and that it be admitted to probate as such will and testament and recorded in the proper will book of this court, and that letters testamentary issue to said J.E. Tubb as Executor of said will on his executing a proper bond, and Thereupon said J.E. Tubb together with the American Surety Co. of New York as his surety, signed and acknowledged the bond in the penalty of twenty Five hundred dollars, conditioned as required by law, which bond was approved and accepted by the Court.

Certificate

I. W.L. Cude, County Court Clerk of said Humphreys County, do hereby certify that the above attached instrument is a full, true and perfect copy of the probate of the last will and testament of Anne Hedge, recorded in minute book 22 page 400 as appears of record now on file in my office. Witness my hand and County seal, at office in Waverly Tennessee this the 27th. day of April 1926, W.L. Cude County Court Clerk.

V.

Because the weight of the testimony preponderates against the finding of the jury that the will was properly and legally executed.

VI.

Because the Court erred in over ruling the motion made by defendants to direct a verdict in favor of the defendants at the close of the plaintiff's proof in chief a which motion upon being made and heard by the Court, the Court did over rule and disallow and submit to the jury the question of the due legal, and proper execution of the purported will in question which was permitted to be read to the jury before was, properly proven to have been executed, and which Motion is in words and figures as follows, to wit.

J.E. Tubb Exr.
Vs. In Circuit Court at Waverly, Tennessee.
Ruby Burns et al.

The defendants, and contestants in this case at the close of the plaintiff's proof in chief, move the Court to direct the jury by way of a directed verdict to find for the contestants upon the ground that the plaintiffs have failed to prove by sufficient, relevant, and material evidence the due and legal execution of the purported will in question, because.

The proof shows by the testimony of the two subscribing witnesses called by the plaintiff that neither of them signed the instrument at the request of, and in the presence of, said alleged testator.

II

The proof conclusively shows by a preponderance and not disputed by any competent proof, that the alleged subscribing witness signed their names to the purported will

before the said testator had signed same or authorized anyone to sign same for her and at the time neither said witness nor said testator knew the contents of said instrument or that they were signing a will.

Because further, the testimony of the executor J.E. Tubb and W.L. Cude, County Court Clerk, is incompetent at this stage of the suit at least.

IV

Because the plaintiff has failed to prove the due execution of the purported will as required by law by a preponderance of the proof, on that issue. Thomas H. Kerton J.R. Morris Attorneys for Defendants.

The foregoing motion for a new trial, heretofore filed and made a part of the record in this cause, came on to be and was heard on this the 24th. day of April 1926, before the Hon. J.D.G. Morton, Circuit Judge and upon said motion being heard, by the Court, the Court was pleased to and did over rule and disallow same, and to which action of the Court in over ruling and disallowing said motion for a new trial the defendants then and there excepted to the action of the Court on said motion. Thereupon the defendants prayed an appeal to the next term of the Court of Civil Appeals at Nashville, which was granted upon condition that the defendants give bond as required by law with thirty days from this date, and they are given 45 days to prepare and file a bill of exceptions. That said motion be made a part of the bill of exceptions

Union Mercantile Co.

In the Circuit Court at Waverly, Tennessee.

H.H. & W.P. Ross

Be it remembered that this case came on to be heard and was heard by the Hon. J.D.G. Morton, Judge, without the intervention of a jury. When it appeared to the Court that H.H. Ross had an account of some months standing with the Union Mercantile Company at McEwen, Tennessee, and that thereafter W.P. Ross in person authorized the Union Mercantile Co. to let the said H.H. Ross have merchandise in certain amounts shown by the proof and that after this W.P. Ross gave five orders for merchandises for H.H. Ross to the Union Mercantile for H.H. Ross to the Union Mercantile Company, all of which orders seem to have been lost or mislaid by the plaintiff except one order for fifteen Dollars (\$15.00) but it appeared to the Court from the day book and the ledger kept by the plaintiff, Union Mercantile Co. and also by the testimony of the manager and bookkeeper for the Union Mercantile Company, when each order was received it was entered on the day book and thereafter posted on the ledger.

It is therefore adjudged by the Court that the said W.P. Ross is indebted to the plaintiff, the Union Mercantile Co. in the sum of One Hundred and Thirty Dollars and fifty Cents (\$130.50) for goods and merchandise furnished to H.H. Ross by the plaintiff by personal request and under the orders hereinbefore mentioned. Judgment is therefore rendered in this case in favor of the plaintiff and against the defendant W.P. Ross for the sum of One Hundred and thirty dollars and fifty cents (\$130.50) and the costs of the case in this Court, for which execution may issue.

It appears to the Court from the J.P. record in this case and from the statement of the attorney for W.P. Ross on the trial of this case that judgment was rendered before T.O. Simpson, against both H.H. Ross for the sum of two hundred and fifteen dollars and fifty three cents (\$215.53) and that only W.P. Ross appealed to this Court from said judgment before the J.P.

The Court is therefore of opinion and so judges that the judgment here rendered against W.P. Ross for the sum of One Hundred and Thirty Dollars and Fifty Cents (\$130.50) should be credited on the judgment before said Justice of the Peace of the sum of Two Hundred and fifteen Dollars and Fifty Three Cents (\$215.53)

Hudson and Martin vs. In the Circuit Court at Waverly, Tennessee.

G.W. Williams & J.J. Shannon

Be it remembered that this case came on to be heard before the Hon. J.D.G. Morton, etc, upon the appeal of J.J. Shannon, one of the defendants in this case, from a judgment rendered against himself and his co-defendant, G.W. Williams, by T.O. Simpson, Justice of the Peace at McEwen, Tennessee, and it appeared to the Court that on the trial before the Justice, the defendant J.J. Shannon, interposed a plea of non est factum, which plea the Justice over ruled and rendered judgment against the said Williams and Shannon jointly for the sum of Ninety One Dollars and Seventy three Cents (\$91.73) and all the cost in said suit, from which judgment before the Justice, Defendant Shannon appealed to this court.

After due consideration, the Court is of opinion that the plea of the defendant, Shannon should be sustained and so hold. And the said suit against the defendant, Shannon, is dismissed and the plaintiff, Hudson & Martin will pay the cost of this appeal, and the Court is further of opinion that the defendant Shannon is not liable for any of the cost in the Justice's Court

Execution may issue from this judgment for cost as above indicated

W.E. Potter

vs. In the Circuit Court at Waverly, Tennessee.
Lucy Potter

In this case it appearing to the Court that the defendant, Lucy Potter, was regularly served with subpoena to answer more than five days before the meeting of the court, and up to this, the 4th. day of the term has failed to appear and make defense to the petition filed against her.

It is therefore ordered as to the defendant, the petition be taken as confessed and the case set for hearing ex parte.

And thereupon the case came on to be further and finally heard before the Hon. J.D.G. Morton, Judge etc. upon the petition of complainant and the order proconfessio heretofore had and the oral testimony of witnesses examined in open court. And it satisfactorily appeared to the court from the petition and the proof in the case that the defendant had committed adultery with one Forester after her marriage to the complainant, and before the filing of the petition as charged therein, and that the petitioner gave the defendant no cause or just excuse for her 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 petitioner and defendant be absolutely and forever dissolved, and that the petitioner be vested with all the rights of an unmarried person, and that the petitioner pay the cost of this case for which execution may issue.

Emma Dobbins vs. Ben Dobbins In the Circuit Court Waverly, Tennessee.

In this cause it duly appearing to the Court, that the defendant, Ben Dobbins, has been regularly served subpoena to answer, in this case and has failed to appear and make defense, to the petition within the time required by law, it is therefore ordered by the Court that as to said defendant the petition be taken for confessed and the case set for hearing exparte.

Thereupon, this case came on further to be heard before his Honor J.D.G. Morton, Judge etc. upon the petition proconfesso and oral testimony taken in open court and the Court is of opinion that the petitioner has failed to make out her case and in addition thereto, has lived and co-habited with the defendant since the institution of this suit. The petition is therefore dismissed without prejudice to the petitioner and petitioner will pay the cost of this case for which let execution issue.

Mary Lee Carnell vs. V.G. Carnell In the Circuit Court at Waverly, Tennessee.

In this case the defendant V.G. Carnell having been served with subpoena to answer, the petition in this case more than five days before the meeting of this court and he having failed up to this, the 4th. day of the term, to appear and make defense to this suit within the time required by law, it is ordered as to him that the petition be taken for confessed and the case set for hearing exparte. Thereupon the case on to be further heard before the Hon. J.D.G. Morton Judge, etc. upon the petition the proconfesso heretofore had 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, and that the defendant is guilty of such cruel and inhuman treatment or conduct toward the petitioner as rendered it unsafe and improper for her to cohabit with him or be under his dominion and control.

And that the defendant has abandoned her, turned her out of doors, and refused and neglected to provide for her and their two children.

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 restored to all the rights and privileges of an unmarried person.

It is further ordered and decreed by the Court that the petitioner have the custody and care of the two children of this union, Nellie, a daughter eight years old and Arthur Earl, a son six years old, the proof showing that the defendant is not a proper and suitable person to have the care and rearing of said two children and the being of such tender years that they need the care of their mother, the petitioner. It is further ordered and adjudged by the Court that the defendant be and is enjoined from any interfering with the management of said two children by their mother, the petitioner, so long as the petitioner cares for them in a reasonable way both physically and morally. It was further ordered, adjudged and decreed by the Court that the defendant pay the cost in this cause for which execution may issue.

State of Tennessee

vs.

Scire Facias.

Arthur Witherapoon,

Erb Wherry, Tom Hatcher

In this cause on motion of the Attorney General for the State, it appearing to the Court that a Forfeiture was taken against the defendants and Edm bondsmen Erb Wherry and Tom Hatcher at the last term of this court, and a Scire Facias was legally issued and served on said defendant and his sureties Erb Wherry 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 Twenty five for each defendant or each surety and said forfeiture of twenty five dollars is made final, then came into open court the defendant Erb Wherry and paid to the Clerk of the Court twenty five for his forfeiture and also the costs of this procedure as to the defendant Erb Wherry, It is therefore ordered, adjudged and decreed by the court the defendant Erb Wherry be discharged, and go hence without day, and that Alias Sci.Fa issue to the defendant Tom Hatcher.

C.L. Work

vs.

Circuit Court April Term 1928.

T.F. Merideth

In this case it appears to the Court from the cost bond given by the plaintiff, that G.C. Williams and A.W. Work are his sureties thereon for costs of the case. The said G.C. Williams after notice given to the plaintiff, moved the Court to relieve him of any further liability on said bond for reasons satisfactory to the Court, which motion is allowed, and the said Williams shall not be liable for any further costs than has already accrued up to the first day of the present term of Court. The Court so orders and decrees. And this case is continued until next term of this Court, and the defendant is given 30 days in which plead.

Mrs. Willie Younger

vs.

Damage

J.L. Smith & J.A. Crowell

This case is continued upon the application of the Plff.

J.D. Bibb

vs.

Damage

J.W. Byrn

In this case the defendant is given 30 days in which to plead.

Ola May Smith

vs.

In Circuit Court of Humphreys County, Tennessee.

Dave Smith

In this cause on motion of the complainant, and it duly appearing to the Court that the defendant, Dave Smith, 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 Dave Smith has failed to appear and make defense to said bill, within the time required by law, it is ordered that as to her the complainant's bill be taken as confessed, and the cause set for hearing exparte.

Ola May Smith)
vs.)
Dave Smith)

This cause came on to be heard this April term 1926 before J.P.D.

Morton Judge of the Circuit Court upon the bill of the Complainant Ola Smith, and the PRO CONFESSO heretofore entered against the defendant and the Oral testimony of the witnesses examined in open court.

And it satisfactorily appears to the Court that the facts charged in the bill, that the defendant had wilfully deserted the complainant without cause reasonable, far more than two whole years before the filing of the petition bill, as charged, and that the defendant had also been legally married at the time of his marriage to the Complainant and had not obtained a divorce from his first wife. And that the complainant had given the defendant no excuse for his desertion and that the complainant had not known of the former marriage of the defendant at the time of her marriage to the defendant.

II

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, Ola Young, be restored to her, and that the defendant pay the cost of this suit for which execution may issue.

City of McEwen)
Appeled J.P.

H.C. Thompson)
Came the parties, and upon the consideration of this case by the Court the court is of opinion that the judgment of the Justice of the Peace should be affirmed. It is therefore adjudged that the plaintiff recover of the defendant the sum of Twenty dollars (\$20.00) and of the defendant and his surety, Annis Parks, could all the costs of this case for all of which let execution issue.

Phillips & Burdett

J.R. Fowlkes)
In this case the defendant is allowed thirty days in which to plead and the case is continued until the next term of this court.

State of Tennessee)
vs.)
R.P. Holland)

Came the Attorney General, and the defendant in person and by counsel, when the Attorney General moved the court to allow him to dismiss the case, on the grounds that the Prosecutor Levi Taylor did not appear to prosecute the case, and did not appear at the last term of this court to so prosecute it, and upon the statement of the Attorney General that he should not make out any case against the defendant without the evidence of the said prosecutor, thereupon the court granted said motion and doth order that said case be and the same is dismissed, at the costs of the prosecutor, the said Levi Taylor for the causes aforesaid. It is further ordered that the costs of the case be and the same are taxed against said prosecutor and execution therefore will issue.

State of Tennessee)
vs.)
Tad Morris)

In this case came the Attorney General for the State and it appearing to the Court that this defendant was indicted at a former term of this court for the offense assault and Battery, and the said defendant was attested and entered into bond with S.J. Morris as his surety, which bond is in the words and figures following as follows to wit:

BOND.

State of Tennessee, Humphreys County. We Tad agree to pay to the State of Tennessee Two Hundred and fifty dollars \$250.00 dollars unless the said Tad Morris 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 1926, on Tuesday said term, to answer the State of Tennessee for the offense of assault & Battery and do not depart the Court without leave. Tad Morris Principal S.J. Morris Surety. Appressed Geo. B. Smith D. Sheriff. This 1, day of Mar. 1926.

And the defendant Tad Morris being solemnly called to come into open court and answer the State of Tennessee, upon a charge of assault and battery, came not but made default and the said S.J. Morris were called to come into open court and bring with him the body of the said Tad Morris according to the tenor and effect of his said bond came noy but made default neither came the defendant Tad Morris nor his said sureties but made default.

It is therefore considered by the court that the defendant Tad Morris and S.J. Morris for their said default do forfeit and pay unto the State of Tennessee, the said sum of two hundred and fifty dollars according to the tenor and effect of their said bond. And it is further ordered by the Court that Sci. Fa. issue to said sureties requiring them to appear at the next term of this court and show cause if any they have why this judgment should not be made final. And further that ALIAS CAPIAS issue for the defendant

State of Tennessee)
vs.)
Will Hooper)

In this case 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. Public Profanity

Grady Stewart et al.

In this cause came the Attorney General for the State, and it appearing to the court that this defendant was indicted at this term of this court for the offense of public profanity, and the defendant had been arrested and entered into bond with Joe Stewart, W.H. Manor, John Stringer and J.C. Gentry as his sureties which bond is as follows to, wit:

Bond

State of Tennessee, Humphreys County. We, Joe Stewart John Stringer agree to pay the State of Tennessee, Two Hundred Fifty and No. /100 Dollars unless the said Grady Stewart appear at the next term of the Circuit Court of Humphreys County, to be held at the Courthouse in the town of Waverly, on the 3rd. Monday of April 1926, on Tuesday of said term, to answer the state of Tennessee for the offense of public profanity and drunkenness, and do not depart the Court without leave. Grady Stewart Principal
Joe Stewart W.H. Manor Surety John Stringer Surety J.C. Gentry
mark mark mark

This 18th. day of Jan. 1926.

And the defendant Grady Stewart being solemnly called to come into open court and answer the State of Tennessee, upon a charge of drunkenness, came not but made default

and the said Joe Stewart, W.H. Manor, John Stringer and J.C. Gentry were also called to come into open court and bring with them the body of the said Grady Stewart according to the tenor and effect of their said bond came not but made default neither came the defendant Grady Stewart nor his said sureties but made default.

It is therefore considered by the Court that the defendant Grady Stewart and Joe Stewart E.L. Davis for their said default do forfeit and pay unto the State of Tennessee the said sum of two hundred and fifty dollars according to the tenor and effect of their said bond.

And further 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 further that ALIAS CAPIAS issue for the defendant.

State of Tennessee

Vs. Attachment

Will Hooper

In this cause it appearing to the Court that the defendant was legally subpoenaed as a witness for the defendant in the case of State of Tennessee against John Lancaster, and that he failed so to appear as required by said subpoena, and an attachment having been issued and served on the defendant for his said failure aforesaid.

It is ordered by the Court the defendant for said failure pay or secure a fine of twenty five dollars and the costs of said attachment unless he appear at the next term of this court, and show cause why this judgment should not be made final, and that the clerk of this court will notify him to so appear at the next term of the Court.

State of Tennessee

vs.

Attachment

John Lancaster

In this cause the defendant having issued an attachment for one Rubin Cuchanan and it appearing to the Court from the record in this cause that said attachment was improperly issued at the instance of the defendant

It is ordered by the Court that the said John Lancaster pay all the costs of said attachment for which let execution issue.

State of Tennessee

vs.

J.F. Gibson et al
In this cause came the Attorney General for the State and it appearing to the Court that this defendant was indicted at the present term of this court, and had previously been arrested for the offense of Assault and Battery with a pistol and entered into bond with A.E. Myatt as his surety, which bond is in the word words and figures as follows to, wit: State of Tennessee, Humphreys County.

We, J.F. Gibson A.E. Myatt agree to pay the State of Tennessee \$250.00 Dollars unless the said J.F. Gibson appear at the next term of the Circuit Court of Humphreys County, to be held at the Courthouse in the town of Waverly, on the 2nd. Monday of April 1926, on second day of term of said term, to answer the State of Tennessee for the offense of assault and Battery with a pistol against the person of L.B. Warren and do not depart the court without leave J.F. Gibson principal E.A. Myatt Surety, Approved. A.G. Scott J.P. This 2-day of Feb. 1926.

And the defendant J.F. Gibson being solemnly called to come into open court and answer the State of Tennessee upon a charge of assault and Battery, came not but made default and said E.A. Myatt were called to come into open court and bring with him the body of the said J.F. Gibson according to the tenor and effect of his bond bond came not but made default neither came the defendant J.F. Gibson nor his said sureties but made default.

It is therefore considered by the court that the defendant J.F. Gibson and E.A. Myatt for their said default do forfeit and pay unto the state of Tennessee, the said sum of two hundred and fifty dollars according to the tenor and effect of their said bond. And it is further ordered by the Court that Sci. Fa. Issue to said defendant and his surety requiring them to appear at the next term of this court and show cause if any they have why this judgment should not be made final. And further that ALIAS CAPIAS Issue for the defendant.

State of Tennessee)
 vs.) Manufacturing Liquor
 Marion Gunn et.al.)

In this cause came the Attorney General for the State, and the defendants Marion Gunn, W.M. Gunn, Ben Williams and Faye Slaughter in person and by Attorney who being duly charged and arraigned on said bill of indictment plead not guilty. Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, to, wit: J.G. Luff, Dee Roger, Sam Rushing J.D. McGrary, J.T.

Bradley, S.F. Sands, Goward Bell T.O. Perkins Verney Anderson Bob Allison J.B. Webb and R.H. McKeel who being duly elected tried and sworn accord to law to well and try the issues joined, who after hearing all the proof, argument of counsel and the charge of the Court upon their oaths do say they cannot agree upon the verdict in this case.

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

State of Tennessee)
 vs.) Scire Facias.
 Will Hooper et. al.)

In this case came the Attorney for the State, and on motion of the Attorney this case is dismissed upon the defendants paying the costs.

It is therefore ordered adjudged and decreed by the Court that the defendants pay the costs of this Forfeiture for which execution issue.

State of Tennessee)
 vs.) Larceny
 Britton Townsend)

In this case 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 the Clerk of this Court, that the defendant is wholly insolvent unable to pay the costs in this case or any part thereof. So it is therefore ordered adjudged and decreed by the court that the cost accruing upon the part of the State be allowed and ordered paid out of the State Treasury, and the Clerk of this Court make out and certify the same to the Comptroller for payment as the law directs.

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

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

State of Tennessee)
 vs.) Larceny
 Carmack Tucker)

In this case 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, that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof. So it is therefore ordered adjudged and decreed by the Court, that the costs accruing upon the part of the State, be allowed and ordered paid out of the State Treasury, and that the Clerk of this Court make out and certify the same to the Comptroller for payment as the law directs.

State of Tennessee)
 vs.) B.D.
 Ed Dreaden and Gip) Motion to retax costs
 Crowell)

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, that the defendant is wholly insolvent unable to pay the costs of this suit or any part thereof. So it is therefore ordered adjudged and decreed by the Court, that the costs accrued upon the part of the State be allowed and ordered paid out of the County Treasury, and that the Clerk of this Court make out and certify the same the County Judge for payment as the law directs.

State of Tennessee)
 vs.) Possessing a still
 Wake Shelton and) Motion to retax costs
 Will Luther)

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

State of Tennessee)
 vs.) B.D.
 Junos Carroll col.) Motion to retax costs.

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

State of Tennessee
vs. Carryinh a pistol
Jess Reed Col. Motion to retax costs

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

State of Tennessee
vs. Drunkenness
Red Dolan Motion to retax costs

In this case 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 that the defendant is wholly insolvent, unable to pay the cost of this case or any part thereof. So it is therefore ordered adjudged and decreed by the Court that the part accrued upon the part of the State be allowed and ordered paid out of the County Treasury, and that the Clerk of this court make out and certify the same to the County Judge for payment as the law directs.

State of Tennessee
vs. A.L.B.
Claude Farnell Motion to retax costs

In this case 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, 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 accrued upon the part of the State be allowed and ordered paid out of the County Treasury, and that the Clerk of this court make out and certify the same to the County Judge, for payment as the law directs.

State of Tennessee
vs. Tippling
Walter Baker Motion to retax costs

In this case came the Attorney General for the State, and appearing to the Court from the return of the Sheriff upon an execution issued to him by the Clerk of this, 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 ordered paid out of County Treasury, and that the Clerk of this court make out and certify the same to the County Judge for payment as the law directs.

State of Tennessee
vs. B.D.
W.H. Baker Motion to retax costs

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

State of Tennessee
vs. B.D.
Jim Dotson Motion to retax costs

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

State of Tennessee
vs. B.D.
W.E. Matlock Motion to retax costs

In this case 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, 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 ordered paid out of the County Treasury, and that the Clerk of this Court make out and certify the same to the County Judge for payment as the law directs.

State of Tennessee
vs. B.D.
Curtis Brown Motion to retax costs

In this case 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 that the defendant is wholly insolvent unable to pay the cost of this suit, or any part thereof. So it is therefore ordered adjudged and decreed by the court, that the costs accrued upon the part of the state be allowed and ordered paid out of the County Treasury, and that the Clerk of this Court make out and certify the same to the County Judge for payment as the law directs.