

Report of Grand Jury

We, the members of the Grand Jury at the April Term 1930, of the Circuit Court for Humphreys County, beg leave to submit the following report to your Honor, We have diligently inquired and true presentment made of all offenses given us in charge by your Honor, or otherwise brought to our knowledge.

We have examined the county Jail and Poor House, and find the prisoners and inmates well fed and cared for
We have examined all bonds required to be examined by us and find them properly executed and good and solvent for the several amounts thereof, now having completed our labors we respectfully asked to be discharged for the term, R. H. McKeel Foreman, D. W. Owens P. A. Thornton B. T. Puckett, J. F. Merideth, J. W. Knight, A. S. Gibbs D. L. Warren, R. J. Bakthrop, A. B. Kenney Monroe Halland, W. C. Kilgore, A. HOOD

General Motors Acceptance Corp.

vs.

CIRCUIT COURT WAVERLY TENNESSEE

East End Motor Company, Dave

Littleton, Mgr, S. T. Harris

This cause came on to be heard, and was heard by the court without the intervention of a jury, and it appeared to the court that a compromise agreement had been reached by the parties in said cause, which agreement was in words and figures as follows
General Motors Acceptance Corp.

vs.

East End Motor Company, Dave

Littleton, Mgr, S. T. Harris

Agreement

In this cause which is now pending in Circuit Court at Waverly, Tennessee, by way of compromise the complainant offers and is willing to give the sum of \$70.00 in satisfaction of defendant's claims for repairs to one Pontiac automobile 1929 Model coupe, Motor No, 677985, serial No. 533198, and thereby retained possession of the said automobile, which it now has by virtue of replevin writ in this cause, without further claim on the part of the said defendant. And the defendant accepted said offer of plaintiff, and agree that in consideration of the payment of \$70.00 to them by the plaintiff, they will forever release their claim for repairs, or any other claim which they have on said automobile in this cause, and defendants further agree to pay the costs, and attorneys fees in this case this the 21st, day of April 1930.

General Motors Acceptance Corp.
By, Morris and Simpson
Attorneys for plaintiff
East End Motor Company
By Dave Littleton Mgr

The court therefore makes the agreement between the parties in this case the judgment of the court, and in all things confirms said agreement. It is therefore ordered, adjudged and decreed by the court that the defendant recover of the plaintiff, the General Motors Acceptance Corporation, and their surties, on the replevin bond the sum of \$70.00, it is further ordered, adjudged and decreed by the court that the defendants pay all cost in this case for which execution may issue.

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

J. G. Morton

Judge

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HON. J. D. G. MORTON JUDGE ETC.

State of Tennessee

vs.

Scott Shanks and

Claud Shanks

Murder

In this cause comes the Attorney General pro tem for the State and the defendants in person and by attorney, who being duly charged and arraigned on said indictment pleads not guilty, Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee Grady Turner, Frank James, C. P. Burchard K. B. Carlew Jess Anderson, S. H. Davis, W. G. Anderson, J. S. Qualls, Landon Pettit T. H. Sourlock, Sam Jones and Jim Drake, who being duly elected tried and sworn according to law and being in charge of their sworn officers, C. A. Simpson and George Wyatt, who had previously been legally sworn to attend them, and the proof not being completed said jury was respited by the court until tomorrow morning at 9:00 o'clock and said jury retired in charge of their sworn officers aforesaid

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

J. G. Morton Judge

Minutes Circuit Court, Humphreys County, April Term 24th, day of April 1930

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HON. J.D.G. MORTON JUDGE ETC.
State of Tennessee
vs.

Scott Shanks and Claud Shanks) Murder

In this cause comes again the Attorney General ^{pro tem} For the State, and the defendant in person and by attorney, when the jury heretofore selected and sworn in this case, to wit, Grady Turner Frank James, C.P. Burchard, K.B. Carlew Jess Anderson, S.H. Davis, W.G. Anderson, ~~W.G.~~ Qualls, Landen Petty, T.H. Scurlock, Sam Jones, and Jim Brake, having returned into open court in charge of their sworn officers C.N. Simpson, and George Wyatt and ^{having} resumed the consideration of this cause, after hearing all the proof but not having time to hear argument of counsel and the charge of the court, said jury was again respited by the court until tomorrow morning at 9:00 o'clock and said jury ~~retired~~ retired in charge of their sworn officers aforesaid.

Court then adjourned until tomorrow morning at 8:00 o'clock,

J.D.G. Morton ----- Judge

Minutes Circuit Court, Humphreys County, April Term 26th, day of April 1930

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HON. J.D.G. MORTON JUDGE ETC.

State of Tennessee
vs.
Scott Shanks and
Claud Shanks,) Murder

In this cause comes again the Attorney General pro tem for the State and the defendants in person and by attorney, when the jury heretofore selected and sworn in this cause, to wit, Grady Turner, Frank James, C.P. Burchard, K.B. Carlew, Jess Anderson, S.H. Davis, W.G. Anderson, ~~W.G.~~ Qualls, Landen Petty, T.H. Scurlock Sam Jones and Jim Brake, having returned into open court in charge of their sworn officers C.N. Simpson and George Wyatt, and ^{having} resumed the consideration of this cause, after hearing all the proof, argument of counsel and the charge of the court, upon their oath do say that they find the defendant Scott Shanks, guilty of Murder in first degree as charged in the indictment and assess and fix his punishment at life imprisonment in the Penitentiary, and the jury finds the defendant Claud Shanks, guilty of aiding and abetting in voluntary manslaughter as charged in the indictment and assess and fix his punishment at not less than two years nor more than two years in the Penitentiary.

Thereupon the defendants gave notice of a motion for a new trial and this case is passed until Wednesday May 7 1930 at 9:00 o'clock at which time said motion will be heard.

T.H. Knight) Circuit Court of Humphreys County, Tenn. April term 1930
vs.
J.E. Johnson)

J.B. Bell a Justice of the peace of Humphreys County, Tenn filed here in court the following papers to wit:

\$97.00 Waverly Tenn, Dec. 1 1927, Ninety Days after date, we or either of us promise to pay to the order of T.H. Knight Ninety Seven & 00/100 Dollars for value received, payable at THE CITIZENS BANK OF WAVERLY, Waverly Tenn, both makers and endorsers of this note severally and jointly waive demand notice, of non payment and protest. In the event suit is brought upon this note, we both makers and endorsers, agree to pay 10 percent attorney's fee to be included in the judgment rendered for collection of same, and we and each of us, both makers and endorsers hereby authorize Mason Sanders or T.H. Knight or either of them, at any time after the above note becomes due, to go before an court of record or before any justice of the peace having jurisdiction thereof in the State of Tennessee, and confess judgment thereof against us in favor of T.H. Knight or assigns for the said amount with interest and costs, and the 10 percent attorney's fee, in accordance with the provisions of Sec. 4705' 4706' and 4707' Code of Tennessee. Edition due April 1- 1928. J.E. Johnson Judgement for \$108.00 and costs Feb, 10 1930 J.B. Bell. J.P.

WAVERLY HUMPHREYS COUNTY TENNESSEE Mar. 10 1930. By virtue of authority contained in this note, I, Mason Sanders the within names attorney in fact for the maker J.E. Johnson do hereby confess judgment against the said J.E. Johnson, and in favor of said T.H. Knight the present holder and owner of the note, for \$108.00, and also attorney's fee amounting to \$----- making a total of \$108.00, and all cost of this case, for all of which execution may issue, Mason Sanders Attorney in fact.

Judgment

T.H. Knight
vs.

J.E. Johnson,)

This ^{day} comes Mason Sanders and exhibited before me a note executed by J.E. Johnson to T.H. Knight dated Dec. 1 1927, and now due for \$97.00 also a power of attorney as authorized by statute in such cases and provided the same in writing wherefore he confessed

Judgment upon the note for \$97.00 as principal, \$11.80 interest making a total, of \$108.80 I therefore give judgment in favor of T.H. Knight, and against said J.E. Johnson, as confessed for \$108.80 and cost of suit & Int. at 6 per cent for which execution may issue This March the 10th 1930 J.B. Bell J.P.

I, certify that the foregoing is a true copy of the judgment in the above styled cause as it appears on my docket. This March 14th 1930, J.B. Bell J.P.

Filed March 14th, 1930 Albert Binklev,
Clerk.

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 tenement of J.E. Johnson One hundred Eighty & 80/100 (\$108.80) dollars and cost of suit, to satisfy a judgment which T.H. Knight obtained before me (J.B. Bell,) Justice of the peace on the 10th day of Mar, 1930, against the said J.E. Johnson, and such moneys, when collected pay to the said T.H. Knight. Given under my hand and seal, this 13th, day of Mar, 1930 J.B. Bell Justice of the peace

LEVY

Came to hand when issued and search made and no persons property belonging to the defendant to be found in my county, I therefore levy this execution upon the undivided one half interest of the said defendant in and to a tract of land lying on south side of Trace Creek in 2nd, civil district of Humphreys county Tenn, being a certain tract that Mrs. Iela Yates died the owner of etc, and bounded on the North by Mrs. Graves (formerly Tinnell) and on the East by the lands of C.H. Knight (formerly Mrs. Yates) On the South by lands known as Briggs lands, and on the west by lands of J.L. Tinnell, supposed to contain about 35 acres, be the same more or less, levied upon to satisfy this execution etc, this March 13th 1930

D.B. McCann, Constable Humphreys county Tennessee.

Filed March 14th, 1930 Albert Binklev
Clerk,

And on motion of the plaintiff, it is ordered by the court that the land so levied upon be sold by the sheriff of Humphreys county to satisfy the aforesaid judgment of J.B. Bell Justice of the peace, also the cost of this proceedings.

Farmers & Merchants Bank
vs
J.A. Tomlinson C.D. Askew
- Mrs. J.A. Tomlinson)
Circuit Court, Waverly Tennessee.

This day came the plaintiff, by 1st cashier, K.L. Exum, and presented in open court a note executed on May 18, 1927 in the sum of \$416.00 and due 6 months after said date, payable to the Farmers and Merchants, Bank, of Waverly Tennessee, and signed by the defendants J.A. Tomlinson, C.D. Askew, and Mrs. J.A. Tomlinson and which note is in the words and figures as follows:-

\$416.00 Waverly, Tenn, 5.18.1927
6 months after date we or either of us promise to pay to the order of FARMERS & MERCHANTS

BANK of Waverly, Tenn. Four Hundred and Sixteen-----Dollars, for value received, payable at the Farmers & Merchants, Bank, Waverly Tenn., Both makers and endorsers of this note demand, notice of non-payment and protest, In the event suit is brought upon this note we both makers and endorsers, agree to pay 10 per cent attorney's fee to be included in the judgment rendered for collection of same, and we and each of us, both makers and endorsers hereby authorize, K.L. Exum, or J.F. Daniel or either of them at any time after the above note becomes due, to go before any court of record or before any justice of the peace having jurisdiction thereof, in the state of Tennessee, and confess judgment thereof against us in favor of Farmers and Merchants Bank of Waverly Tenn, 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 Tenn, Shannon's edition 1894

No. 14328 11-18-27

J.A. Tomlinson
C.D. Askew
Mrs. J.A. Tomlinson

That said note contains in its face a power of attorney authorizing K.L. Exum, or J.F. Daniel or either of them, as their agents and attorneys, at any time after the said note becomes due to go before any court of competent jurisdiction, and confess judgment in favor of the Farmers & Merchants, Bank of Waverly Tennessee for the amount of said note with interest 10 % attorneys fee, And according to the authority vested in him by the power granted him by said defendants, K.L. Exum, ~~was~~ confessed judgment on said note in favor of the Farmers & Merchants Bank of Waverly, Tennessee, and against the defendants J.A. Tomlinson C.D. Askew, and Mrs. J.A. Tomlinson, for the amount of said note, interest costs, and 10 % Attorneys' fee which amounts to this date to the sum of \$521.00, and it appears to the court that the said note is due, and unpaid and that there are no credits on said note, and that said note contains the power of attorney to K.L. Exum, authority by the defendants J.A. Tomlinson, C.D. Askew, and Mrs. J.A. Tomlinson, to confess judgment against them for the amount of said note, interest, costs, and 10 % attorneys fees, it is therefore ordered adjudged and decreed that the plaintiffs the Farmers & Merchants Bank, recover of the defendants J.A. Tomlinson C.D. Askew and Mrs. J.A. Tomlinson, the amount of said note \$416.00 with 6% interest from November 18, 1927 amounting to \$60.32 and also 10 % attorneys fee, amounting to \$47.63 for Morris & Simpson, attorneys who appeared for plaintiff, making a total of \$521.00, and all costs of this case for which execution may issue.

State of Tennessee

vs
Tom Bass) Murder, Motion to Retax

In this case came the Attorney General for the state, and it appeared to the satisfaction of the court, that this defendant was convicted at the last term of this court for the offense of murder in the first degree, and that the costs was adjudged against him, and it appears further that an execution ~~was~~ issued against his estate, was returned by the sheriff not satisfied

It is therefore considered by the court that the cost accruing upon the part of the state be allowed and paid out of the treasury of the state ~~and be allowed and paid out of the~~ ~~xxxxxx of the state~~ and that the clerk of this court make out and certify the same to the Comptroller of the treasury for payment as the law directs,

State of Tennessee

vs
Robert Hoffman et al) Larceny (Motion to Retax cost)

In this case came the Attorney General for the state and it appeared to the satisfaction of the court this was convicted at the last term of this court for the offense of larceny, and the cost was adjudged against him and it appears further that an execution was issued against his estate, and was returned by the sheriff not satisfied It is therefore considered by the court that the cost accruing upon the part of the state, be allowed and paid out of the treasury of the state, and that the clerk of this make out and certify the same to the Comptroller of the treasury for payment as the law directs

State of Tennessee

vs
L.J. Cowen Col) Assault to commit murder (Motion to retax cost.

In this case came the Attorney General for the state, and it appeared to the satisfaction of the court, that this defendant was convicted at the last term of this court for the offense of assault to commit voluntary manslaughter, and the costs was adjudged against him, and it appears further that an execution was issued against his estate and was

returned by the sheriff not satisfied.

It is therefore considered by the court that the costs accruing upon the part of the state be allowed and paid out of treasury of the state, and that the clerk of this court make out and certify the same to the comptroller of the treasury for payment as the law directs.

MRS. T.C. BRYANT'S. BOARD BILL FOR BOARDING JURY IN CASE OF STATE AGAINST SCOTT SHANKS AND CLAUD SHANKS.

This day came into open court Mrs. T.C. Bryant and present and read in open court her account against the state of Tennessee, for boarding the jury in case of State against

Scott Shanks, and Claud Shanks, which amount is \$70.00, and which amount is allowed by the court, and ordered paid out of the state treasury, of Tennessee, State of Tennessee, and that the clerk of this court make out and certify the same to the Comptroller of the Treasury for payment as the law directs.

State of Tennessee
vs. B.D. (Motion to relax cost)
W.P. Jenkins

In this case came the Attorney General for the State, and it appeared to the satisfaction of the court that this defendant was convicted at the last term of the court for the offense of possessing liquor, and the fine and cost was adjudged against him and it appears further that an execution against his estate and was returned by the sheriff not satisfied.

It is therefore considered by the court that the cost accruing upon the part of the part of state be allowed and paid out of the treasury of Humphreys County, and that the clerk of this court make out and certify the same to the county judge for payment as the law directs.

State of Tennessee
vs. Possessing liquor
Mary Baker Col. (Motion to relax cost)

In this case came the Attorney General for the state, and it appearing to the satisfaction of the court that this defendant was convicted at the last term of this court for the offense of possessing liquor, and that the fine and costs was adjudged against her, and it appearing further that an execution was issued against her estate and was returned by the sheriff not satisfied.

It is therefore considered by the court that the costs accruing upon the part of the state be allowed and paid out of the treasury of the county of Humphreys, and that the clerk of this court make out and certify the same to the county judge for payment as the law directs.

State of Tennessee
vs. Disturbing worship (Motion to relax cost)
Ernest Scott

In this case came the Attorney General for the state, and it appearing to the satisfaction of the court that this defendant was convicted at the last term of this court for the offense of disturbing worship, and that the fine and costs was adjudged against him, and it appears further that an execution was issued against his estate, and was returned by the sheriff not satisfied.

It is therefore considered by the court that the cost accruing upon the part of the state be allowed and paid out of the treasury of Humphreys County, and that the clerk of this court make out and certify the same to the county judge for payment as the law directs.

State of Tennessee
vs. Carrying a pistol (Motion to relax cost)
Hack Standridge

In this case came the Attorney General for the state, and it appearing to to the satisfaction of the court that this defendant was convicted at the last term of this court, for the offense of carrying a pistol, and the fine and costs was adjudged against him, and it further appearing that an execution was issued against the estate of the defendant, and was returned by the sheriff not satisfied.

It is therefore considered by the court, that the cost accruing upon the part of the be allowed and paid out of the treasury of the County of Humphreys, and that the clerk of this court make out and certify the same to the county judge for payment as the law directs.

State of Tennessee
vs. Disturbing worship (Motion to relax cost)
Alton Box

In this case comes the Attorney General for the state, and it appeared to the satisfaction of the court, that this defendant was convicted at the last term of this court, for the offense of disturbing worship, and that the fine and costs were adjudged against him, and it appearing further that an execution was issued against his estate and was returned by the sheriff not satisfied.

It is therefore considered by the court that the costs accruing upon the part of the state be allowed and paid out of the treasury of the County of Humphreys, and that the clerk of this court make out and certify the same to the County judge for payment as the law directs.

State of Tennessee
vs. Possessing liquor (Motion to relax cost)
Clarence Nichols

In this case comes the Attorney General for the state, and it appearing to the satisfaction of the court that this defendant was convicted at the last term of this court for the offense of possessing liquor, and that the fine and cost was adjudged against him, and it appearing further that an execution was issued against the estate of this defendant for the cost of this suit, and said execution was returned by the sheriff not satisfied.

It is therefore considered by the court that the costs accruing upon the part of the state be allowed and paid out of the treasury of Humphreys county, and that the clerk of this court make out and certify the same to the Humphreys county judge for payment as the law directs.

State of Tennessee
vs. Drunkenness (Motion to relax cost)
H.L. Cooper

In this case came the Attorney General for the State, and it appearing to the court that this defendant was convicted in the 4th court of Humphreys County for the offense of drunkenness, and had laid out the fine and cost in writ fail.

It is therefore considered by the court, that the cost accruing upon the part of the state be allowed and paid out of the county treasury, and 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 (Motion to relax cost)
Finis Hendrix

In this case came the Attorney General for the state, and it appearing to the court that this defendant was convicted in a Justice of the peace of Humphreys County, for the offense of drunkenness, and laid out his fine and cost in the county fail. It is therefore considered by the court, that the costs accruing upon the part of the state be allowed and paid out of the county treasury, and that the clerk of this court make out and certify the same to the county judge, for payment as the law directs.

Minutes Circuit Court Humphreys county, April term 26th day of April 1930

State of Tennessee vs W.N. Jones Misdemeanor. State vs George Moseley, the two above styled cases, are ordered by the Court to be placed on the Retired Docket.

State vs Lewis Phy Drunkenness, Lewis Phy Misdemeanor, State vs Lewis Phy D.O.
State vs Jake Smith, State vs Alvin Worship, State vs John Stephens et al, State House breaking and larceny, State vs W.H. Hood Wife desertion, State vs Roy Dacus, Misdemeanor

In the 8 above styled case, an Alias Capiases is ordered for the defendants and the cause continued until next term of court.

State of Tennessee
vs.
Mamie Berryman) Larceny

In this case came 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.
B.O. Pegrim) Resisting an officer

This is continued until next term of court by the defendant.

The following cases were continued on plea of guilty until the next term of this court:
State against Walter Harris, Drunkenness. State vs. John Swann, Drunkenness, State vs Josh Howe B.O. State vs. Theodocia Spicer col, Possessing liquor.

State of Tennessee
vs.
Boyd Slaughter and Walter Bradley) Manufacturing liquor.

In this case came the defendant, Boyd Slaughter and agree to plead guilty at the next term of this court, and the case is continued as to Walter Bradley on account of witness May Brown.

State of Tennessee
vs.
Walter Miller) Possessing liquor

State of Tennessee
vs.
Walter Miller) Carrying a pistol.

The two above styled cases are continued by the defendant on account of illness.

State of Tennessee
vs.
Frank Bates et al) Misdemeanor

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

State of Tennessee
vs.
Evis Collier) Misdemeanor

In this cause comes the Attorney General for the state, and the defendant in person, by attorney, who being duly charged and arraigned on said indictment plead not guilty. Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tenn. C.C. Davis Crockett Bone Loyd Johnson, H.H. Pullen, Bob Morgan G.B. Moore, Wes. Cathey, J.M. Petty, Will Latimore, Ike Cockett, J.C. James and J.L. Carroll, who being duly elected tried and sworn according to law, after hearing all the proof, argument of counsel and the charge of the court, upon their oath do say that they are unable to agree upon a verdict in this case. It is therefore ordered adjudged and decreed, by the court that a mistrial be entered in this cause, and the case is continued until the next term of this court.

Minutes Circuit Court, Humphreys County April Term 1930x 26th day of April 1930

State of Tennessee
vs.
Mamie Berryman and Belle Berryman,) Sci. Fa.

In this cause comes the defendants in person, and the Attorney General for the state when this cause came on to be and was heard by the court upon the Sci. Fa. return of the sheriff thereof the answer of defendants, and the motion of the defendants to set aside the forfeiture heretofore entered against them, when the court after hearing and fully understanding the same is pleased and does set aside said forfeiture entered at the August term 1929, of the court, a side but adjudges the cost of the forfeiture against defendants.

It is therefore considered by the court that the forfeiture taken and entered against defendants be and the same is set a side at defendants' costs, and the state of Tennessee recover of the defendants all the costs accruing by reason of the taking and setting a side said forfeiture for all of which let execution issue.

State of Tennessee
vs.
W.H. Hood et al) Sci. Fa.

In this case alias capias is ordered issued for the defendants.

State of Tennessee
vs.
Pete Pruett) Age - consent.

State of Tennessee
vs.
Pete Pruett) wife desertion

The two above styled cases are continued by the court because of illness of Brown attorney.

State of Tennessee. To the Honorable, Judge of the Circuit Court of Humphreys county, holding and presiding at Waverly Tennessee,

Whereas in our supreme court, at Nashville, at its December Term, 1929, it was adjudged and ordered in the cause, J.A. Tomlinson, vs The State, appealed to our said court from said Circuit court that the same be remanded thereto for further proceedings and final determination,

These are therefore, To require you, the court as aforesaid, that you proceed with the execution of this judgment of our said supreme court, by such further proceedings in your Court as shall effectuate the object of this ordered to remand, and attain the ends of justice.

Witness David S. Lands den my Clerk of our said Court, at office in Nashville, the first Monday of December, 1929.

David S. Landsden Clerk

State of Tennessee.

Be it remembered, That at a Supreme court of errors and appeals, begun and held at the Capitol, in the city of Nashville, on the first Monday of December 1929, it being the ---- day of December, 1929, when the following proceedings were had, to wit:

J.A. Tomlinson

vs.

The State

Humphreys Crim.

Came the plaintiff, -- in error in proper person and by counsel and also came the Attorney-General on behalf of the state, and this cause was heard on the transcript of the record from the Circuit Court, of Humphreys County, and on consideration thereof, the Court is of opinion that there is no reversible error on the record, and that the judgment of the court below should be affirmed, and it is accordingly so ordered, and adjudged by the court.

It is therefore ordered by the court that the plaintiff in error, for the offense of forgery as charged in the indictment be delivered to the warden of the penitentiary of the State of Tennessee and there be confined at hard labor for a term of not more than 3 years

It is further ordered by the court that plaintiff --- in error be infamous, and disqualified from holding an office under this state, or exercising the elective franchise, or giving evidence in the courts of this state, the plaintiff-- in error will pay the costs of the cause accrued in this court and the court below, and execution may issue from this court for the cost of the appeal, A procedendo will be issued to the said Circuit Court of Humphreys County, directing that court to proceed with the collection of the cost of the cause ~~accruing~~ accrued therein in the manner provided by law.

The Clerk of this court will issue a duly certified copy of this judgment to be delivered by the marshal to the warden with the body of the plaintiff in error.

Office of the Clerk of the Supreme court of the Middle Division of the State of Tennessee, I, David S. Landsden, Clerk of said Court do hereby certify that the foregoing is a true perfect and complete copy of the judgment of said court, pronounced at its December Term 1929, in the case of J.A. Tomlinson vs. THE STATE, as the same appears of record in my office

In testimony whereof I have hereto set my hand and affixed the seal of the Court, at office in the Capitol, at Nashville, on the 4 day of March, 1930, David S. Landsden Clerk.

STATE OF TENNESSEE

To the Honorable Judge of the Circuit, Court of Humphreys County, holding and presiding at Waverly, Tennessee:

Whereas, in our Supreme court, at Nashville, at its December Term, 1929, it was adjudged and ordered in the cause Jimmie Dunn vs. the State appealed to our said Court from said Circuit Court, that the same be remanded thereto for further proceedings, and final determination there in.

These are therefore, To require you, the said court as aforesaid, that you proceed with the execution of this judgment of our supreme court by such further proceedings in your court as shall be equitable the objects of this order to remand, and attain the ends of justice. Witness David S. Landsden, clerk of our said court, at office in Nashville, the first Monday of December, 1929. David S. Landsden Clerk, STATE OF TENNESSEE.

Be it remembered, that at a ~~Supreme~~ Supreme Court of errors and appeals, begun and held at the Capitol in the city of Nashville, on the First Maunday of December, 1929, it being the --- day of December 1929, when the following proceedings were had, to wit:

Jimmie Dunn

vs,

THE STATE

Humphreys Criminal

Came the plaintiff in error by counsel, and also the attorney general on behalf of the state, and this cause was heard on the transcript of the record from the circuit Court of Humphreys County, and upon consideration thereof, the court is of opinion that there is no reversible error on the record and that the judgment of the Court below should be affirmed and it is accordingly so ordered and adjudged by the Court.

It is therefore ordered and adjudged by the court that the State of Tennessee recover of Jimmie Dunn the plaintiff--- in error, for the use of the county of Humphreys the sum of \$100.00, the fine assessed against him in the Court below, together with the costs of the cause accrued in this Court and in the court below, and execution may issue from this Court for the costs of the appeal,

It is further ordered by the court that the plaintiff--- in error be confined in the county jail or work house of Humphreys County, subject to the lawful rules and regulations thereof, for a term of 4 months and that after the expiration of the aforesaid term of imprisonment, he remain in the custody of the sheriff of Humphreys County, until said fine and costs are paid, secured or worked out as required by law, and this cause is remanded to the Circuit Court of Humphreys County, for the execution of this judgment,

OFFICE OF CLERK OF THE SUPREME COURT OF THE MIDDLE DIVISION OF THE STATE OF TENNESSEE.

I DAVID S. LANDSDEN, Clerk of said court, do hereby certify that the foregoing is a true, perfect, and complete copy of the judgment of said Court, pronounced at its December Term, 1929, in the case of Jimmie Dunn vs THE STATE, as the same appears of record, in my office. In testimony where I hereto set my hand and affixed the seal of the Court at office in the Capitol, at Nashville, on this the 15th, day of March 1930, David S. Landsden Clerk,

State of Tennessee

vs
Pat Kane

Daunkenness

In this case came the Attorney General pro tem for the state, and 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 the cost, then came into open court the defendant and paid the clerk of this court of said fine and cost.

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

Court then adjourned until May 7th, at 9:00 o'clock,

David S. Landsden Judge

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HON. J.D.G. MORTON JUDGE ETC.

STATE OF TENNESSEE

VS.

Murder

SCOTT SHANKS AND CLAUD SHANKS.)

In this cause comes again the Attorney General pro tem for the State and the defendants in person and by attorneys, when the motion for a Newtrial, heretofore filed in this cause, came on to be heard by the court, and which motion is as follows:-

State of Tennessee

vs.

Circuit Court Waverly, Tennessee

Scott and Claud Shanks,)

Comes the defendants, Scott Shanks, and Claud Shanks, in person, and by attorneys, and moves the court for a new trial in this cause upon the grounds, following.

I.

Because the court errs in overruling the defendants motion for a continuance of the case until the next term or August term of this Honorable court, in order to give the defendants time in which to properly prepare their defense, in view of the fact at the crime alleged to have been committed by them was on the 8th, day of April, 1930, and the defendants were bound over by a Justice of the peace on the 12th, day of April 1930, and were indicted by the Grand Jury, on April 21st, 1930, and brought to trial and arraigned on the 23rd, and 24th, of April, 1930, and further in view of the fact that they were poor people and were unable to secure attorneys, until Monday April 21, 1930, and that the attorneys, then employed did not have time, and could not be expected to have time to properly prepare themselves for a proper defense of the two said defendants. And in support of this assignment of error, the said motion for a continuance of this cause, heretofore filed in the record, is made Exhibit A. to this motion, and a part hereof.

II.

Because the preponderance of the evidence is against the verdict of the jury, and in favor of the innocence of the said defendants.

III.

Because the preponderance of the evidence is against the verdict of the jury finding Scott Shanks guilty of murder in the 1st. degree.

Because the preponderance of the evidence is against the verdict of the jury finding Claud Shanks, guilty of involuntary manslaughter.

IV.

Because the court errors in stating the facts, or insistence of the state, and not stating the insistence of the defendants, in his written charge to the jury that when the defendant Scott Shanks left the Greenwell home probably with the view of going after a gun, that Howard Shanks, had already left the Greenwell home on in a truck with Ezra Potter and others, in fact the evidence shows that during the last fight between Haston Dalton and Howard Shanks, went down toward the fight and as he was approaching the place where the said two boys were fighting, someone said "There's Scott, get some rocks and hit him, or throw, them at him", and at that time Scott left the scene to go to his brother Claud's house, and at the time of his leaving the scene of the fight, he could hear his brother hollering as Dalton and others were beating,

V.

Because certain members of the jury coerced and in a manner forced, and by their reading of certain portions of the court charge to the jury, certain members of the jury to give over and unwillingly agreed to a verdict of 1st, degree murder against Scott Shanks, and the verdict of involuntary manslaughter against Claud Shanks, This assignment of error, will be supported by the affidavit of certain members of the jury, and marked Exhibit 4 and made part hereof.

VI.

Because of the misconduct of certain members of jury making a proposal, which was finally accepted by all members of the jury though unwillingly by some, by which the jury will recommend a pardon for Claud Shanks, after confinement in the penitentiary for a short period of his sentence of two years, and would also recommend a pardon for Scott Shanks, after he had served 15 or 20 years of his life sentence, in order to get certain members of said jury to agree to a verdict of first degree murder for Scott Shanks, and a verdict of involuntary manslaughter for Claud Shanks,

VII.

Because of the misconduct of certain members of the jury in that one juror, Sam Jones, explained to the jury during the consideration of this case, that he had a brother who was tried in this court for murder, and received a sentence at the hands of the jury of life imprisonment, and that he was paroled at the end of 17 years, and further stated to the jury that in order to punish this defendant, Scott Shanks, or any defendant 15 or 20 years, the jury would of necessity have to return a verdict of life imprisonment and of course would have to find the defendant Scott Shanks, guilty of murder in the 1st, degree, and further because certain other members of the jury told the jury about other cases which they had known about and read about, in which the defendant or defendants had been either pardoned or paroled before their time for which they were sentenced had elapsed, and these certain members urged the other members of the jury to return a verdict against these defendants for a longer period of time than which they really thought the defendants should be confined. This assignment of error will also be supported by affidavits from certain members of the jury.

VIII.

Because certain members of the jury were actuated by sentiment, prejudice, caprice, and because of said attitude of mind, and by bringing into consideration of this case, matters entirely foreign to the issue, and by ~~misunderstanding~~ undertaking to remedy what they considered to be defects in the law, coerced other members of the jury to render the verdict in the case as rendered, and because of the proposal to recommend a pardon for each of defendants at some future date, which recommendation certain members of the jury urged, would certainly be acceptable to some government or governors,

IX.

Because the court erred in charging the law with reference to self defense, that the law in a case where a defendant has withdrawn from the scene of trouble to a place of safety should have been in fully charged, that is the law with reference to the defendants withdrawal, to a place of safety and his return to the scene of action, trouble or combat in a peaceable manner and with lawful purpose,

X

Because the court erred when charged the law with reference an accessory to a crime in not going further in the charge and carefully explaining to the jury that ~~the~~ a defendant can only be convicted as an accessory to a crime when he is (one) present ~~and~~ (2, aiding and abetting in the committing of the crime charged against his principal.

STATE OF TENNESSEE

VS.

CIRCUIT COURT, WAVERLY TENN.

SCOTT AND CLAUD SHANKS.)

Comes the defendants Scott Shanks and Claud Shanks in person and by their attorneys, and moves the court for a continuance of this case until the next term of this court and for grounds of their said motion say:-

I.

That the defendants are indicted jointly in this case of committing murder upon the person of one Grady Barham, and that the offense was committed upon April 8th, 1930, and that the indictment in said was found at the April term or present term and return thereof made on the 22 day of April 1930. Hence the defendants have no time in which to properly prepare their defense in said case.

II.

As a further ground for a continuance the defendants were bound over to court without bail on the 12 day of April 1930 and have remained in jail ever since, and had no opportunity to make any preparation for a trial of their case other than to depend upon their father W.B. Shanks and one brother who are people without any means to amount anything and who were unable to secure the service of any attorney to represent the defendants until Monday of the present term of court, since which time said attorneys have been busily engaged in the trial of other cases in said court, and have had no time to prepare the case for trial not even time to talk to any of the defendants witnesses, and only one opportunity to confer with the defendants themselves.

III.

As further grounds for a continuance of the case at this term it will be shown by affidavit in support of said motion that Mrs. Lillian Shanks the wife of the defendant Claud Shanks, and a very material witness for her husband Claud Shanks, is physically unable to attend the courts as a witness in said case at the present time, in that she is expected to be confined at any time and it would be impossible, and highly improper to bring her into court at the present term under such circumstances, and that she is the only witness except the defendants can show material facts especially in the proper defense of the defendant Claud Shanks all of which will be set out in an affidavit made part her-of and attached hereto, Wherefore the defendants move a continuance of this case until the next term of court

STATE OF TENNESSEE

VS.

SCOTT AND CLAUD SHANKS, CIRCUIT COURT, WAVERLY TENN.

One of the defendants Claud Shanks jointly indicted for murder in the above styled case in support of the motion for a continuance in this case states upon his oath that he is informed that he is indicted jointly with his brother Scott Shanks for the killing of one Grady Barham. That he was bound over to court without bail with his brother Scott, Shanks on or about the 12 day of April 1930 and that both of them have remained in jail at Waverly ever since until they were arraigned in court this morning, that they have no opportunity to prepare their defense in said case and have had to depend upon their old father to arrange for counsel for them and look up witnesses for their proper defense, and that this arrangement was made and closed up on Monday last as to their procurement of attorneys to represent them.

Affiance states further upon his oath that his wife Lillian Shanks, is a very material witness in his behalf and that her physical condition at this time is such she expecting to be confined at any time, that he cannot bring her to court at this time without greatly endangering her physical condition, and in fact her physical condition is such that it would be unsafe and improper under such nervous excitement for him to force her to attend at this court and and likely result in the loss of his wife or great harm done to her while she is in such condition.

Affiance states further upon his oath that he and his wife live some mile or more from where the killing in this case occurred and that the defendant Scott Shanks, lives with them the most of the time, he being an unmarried man, That on the night of the killing the defendant Claud Shanks, and his wife were at home in the bed asleep, and had not been away from home that night, when on said night about 10 o'clock they were awakened by some one coming in house when he and his wife upon lighting the lamp, saw that it was the defendant Scott Shanks who had come in the home and picked up a gun that belonged to the defendant Scott Shanks and started out the door when affiant and his wife undertook to keep the defendant from taking the gun but was unable to do so, and the said Scott Shanks, left affiants home going in the

direction of where the killing occurred, affiant went back into his house, put his clothing and after some little thinking concluded that maybe he had better go after his brother Scott Shanks or make some investigation about what he was doing and where he had gone and some person having told him on the evening before that there was some kind of a dance at a man by name of ~~xxxxxxx~~ Greenville he concluded that he would see if the defendant Scott Shanks had gone there and he arrived there sometime before the shooting occurred and had no part in the affair. That his said wife is the only witness except affiant and the defendant Scott Shanks that he can show the forgoing facts by and that they are material to his proper defense. And especially so as to his whereabouts and movements before the shooting occurred and that his said wife would testify as to the ownership of the gun, and who had the gun on the night of the killing and that this proof is especially in the defense of affiant and cannot be shown by any other witness except his wife and both of the defendants. That this affidavit is not made for the purpose of delaying the trial of the case but is made in sincerity and truth and for the purpose of making proper defense for himself in this case.

Affiant further states that it is no fault of his that he is not ready for trial at the present term of court and that he cannot go safely to trial without the testimony of his said wife, and he expects to have this witness present at the next term of this court

Claud Shanks,

Sworn and subscribed before me
on this the 23 day of April 1930

Albert Binkley Clerk

State of Tennessee
Humphreys County,

Personally appeared before me E.G. Collier, a Notary public in and for said county and state C.P. Churchard Jim Brake and D.S. Qualls, who states upon oath the following

We were three of the trial jury that tried the case of the state of Tennessee against Scott Shanks, and Claud Shanks on the charge of murder of Grady Barham, in the Circuit court at Waverly, Tennessee, at the April Term, 1930, of said Court.

After the jury retired to consider of a verdict in the case and after considerable discussion among the members of said jury, as to the facts in the case, the jury took up the case as to Scott Shanks, and when a vote was taken as to his guilt under the indictment and the charge of the court, the voted resulted in one vote for electrication, three for life imprisonment, and eight for manslaughter, For some time after this in trying to reach a conclusion as to some grade of punishment, the jury was unable to reach any other decision as to Scott Shanks than stated above,

The jury then took up the case of Claud Shanks, and after some discussion as to what should be done with him, a vote was taken, and the jury stood, six for acquittal, one for 30 to 99 years in the penitentiary, and how the remainder of the jury voted, we do not now remember.

Affiants state further that in further consideration of the cases, the jury was somewhat mixed in remembering exactly what the facts were on some of the points produced in the case.

The jury was uncertain from the proof, as they remembered it, whether or not Howard Shanks had left the dance at place of the killing before Scott Shanks, left to go home for his gun, and this fact was not made certain by the jury until it undertook to read the charge of the court, and find out from the charge, if possible, what the court stated as the theory for the ~~assault~~ state and for the defendants; and from the courts charge, the jury concluded H. Shanks had left the dance, and that Scott Shanks knew it before he started home after the gun, and from this conclusion by all the jury, it proceeded to a further consideration of the cases of both defendants. At about this stage of the consideration by the jury, without further vote as to what should be done with the defendants, one of the jurymen stated that he had had a brother sent to the penitentiary for life a number of years ago, and that he had gotten out of this life sentence with about 19 years service in the penitentiary and this same jury referred to three or four other case in the county, where defendants had been sent to the penitentiary for life and had gotten out in 12 or 15 years and following this statement as expressed by this juror, and believing that ~~the same~~ would work in this case, the case of Scott Shanks, the jury voted to give the defendant, Scott Shanks, a sentence for life in the penitentiary, which conclusion was based upon the facts stated by said jury, the jury believing that Scott Shanks should have some punishment from 10 to ~~20~~ 20 years all of the jury conceded, except one who held out for some time for electrication, but finally voted for a life sentence. Affiant states further that the verdict finally reached by the jury, this life in prison for Scott Shanks, was based on the theory and idea that if they wanted to punish the defendant for a period of 15 to 20 years, they must give the defendant a life sentence.

As to ~~the~~ final disposition of the case against the defendant, Claud Shanks, a large majority of the jury was of the opinion that the defendant, Claud Shanks should be discharged and as we remember now, there were only three of the jury against this conclusion. At this point in the deliberations of the jury, the question came up as to the recommendation of the pardon for Claud Shanks, after the conviction was had. The jury finally voted for a sentence of two years Claud Shanks as a compromise in order to keep the jury from hanging, and with an agreement recommended a pardon for the said defendant, Claud Shanks.

Affiant D.S. Qualls states that he was never straight in his mind as to what the law was where a defendant withdrew to a place of safety, and then went back to the scene of combat or quarrel and engaged in the combat, that he understood from the charge of the court that he could not then rely upon the defense of self defense, that from the little request charge offered by the defendants, he was never able to get the law straight in his mind.

Affiants state that they are informed that this affidavit will be used as a part of a motion for a new trial in the above mentioned case, and that they have no interest in the facts stated herein other than state the facts for the information of the court in order justice may be done.

Affiants C.P. Burchard, and Jim Brake, state upon oath the facts set out above, except as to the first paragraph on this page (1), and affiant makes oath to the entire affidavit of three typewritten pages.

This the 30th, day of April, 1930

C.P. Burchard
Jim Brake
mark
D.S. Qualls

Witness to signature of Jim Brake
E.G. Collier C.P. Burchard

Sworn to & subscribed before me
on this 30th, day of April 1930
E.G. Collier Notary Public.

My commission expires 14 day of July
1930

STATE OF TENNESSEE
VS.
SCOTT & CLAUD SHANKS
CIRCUIT COURT WARDEN TENNESSEE

On this the 7th, day of May, 1930 comes the defendants in person and by attorneys and move the court to be allowed to amend their motion for a new trial in this case upon the following Grounds.

First

BECAUSE, since the trial was had they have discovered new evidence that will throw considerable light on facts of this case and such evidence was not known by them or their attorneys on the trial of this case, and ~~has~~ has been obtained or learned of in the last few days. They can prove by Bob Rainwater and his wife that on the evening or night of the killing that Hoston Dalton, Robie Green Willie Pate, and Arthur Winstead, passed by the home of said witnesses in a truck, and that they had with them one one half gallon of liquor and that these two witnesses ~~saw~~ saw this liquor.

Second

BECAUSE, since the trial of this case and since the original motion was drawn the defendants have learned and can prove, and did not know at the time of their trial nor when the original motion was drafted, that one James Monsuer was at the dance where the killing occurred on the night of the killing and when the killing did occur was just inside or about the hall door leading out on the porch, where Archam, was shot, and that just before the shot he saw Scott Shanks standing there with the gun in his hand and in some few minutes saw Claud Shanks, walking in to the yard up near the front porch, and that ~~Claude~~ ^{when} Claude walked up he had no gun but Scott Shanks, was standing there with the gun in his hand.

Third.

BECAUSE, since after the killing in this case both of the defendants were bound over to court without bond and had no opportunity to hunt up evidence or have anyone to set it up for them, and did not procure the service of attorneys until Monday April 21st, and were required by the court to go to trial on the 23 of April, indictment having been found on the 21st, of April 1930, and no opportunity was given the defendants and their attorneys to properly prepare their defense.

FOURTH.

BECAUSE, since the trial of the case the filling of the motion for a new trial, and in fact within the last hour or so, and before the argument for a new ~~trial~~ hearing one of the jurors trying the case----- Corlew at the time he was selected as a juror was in fact disqualified ~~for~~ for the reason that he had information and was told about the facts of the case, and both of the defendants by his father-in-law one ~~Farmer~~ ^{Flowers} Farmingworth who lived or had lived right near the defendants at the time of the killing, and was not on friendly term with the defendant, that the said ^{juror} Corlew, detailed these facts to one Clint ~~Flowers~~ ^{Flowers} who was summoned and examined as a juror and was disqualified because he stated he had heard the facts of the case discussed. His juror Corlew told Flowers about the facts and on which statement of the facts Flowers was excused

Filed 7th, day of May 1930
Albet Binkley,

STATE OF TENNESSEE
HUMPHREYS COUNTY.

Personally appeared before me, Albert Binkley, Clerk of the Circuit Court, Waverly Tennessee, Claud Shanks, one of the defendants in the case of the State of Tennessee vs. Scott and Claud Shanks, charged with the killing of Grady Barham, and for which they have been tried, and convicted, in the Circuit Court at the April term 1930, and makes oath that since the trial of this case and after the original motion for a new trial was drafted, and after he had been released from jail on bond, he had a conversation with one Bob Rainwater who lives in Humphreys County, in which Rainwater stated to him that Robie Green, Haston Dalton, and Buddie Williams, and William Pate, all of whom were witnesses for the state in said case, drove by his home in a truck in the evening or after night, on the night of the killing of Grady Barham, and had with them one half gallon of whisky or liquor, and that he Bob Rainwater saw it.

Affiant states further that he has had a conversation with one James Monsuer who lives in Humphreys County, since the trial of this case, and since the motion for a new trial was filed, and that said Monsuer told him that he was at the dance on the night of the killing and when the killing occurred, and was in the hall or sat at the door that leads out on the porch where Barham was shot, and just before the killing he saw Scott Shanks a defendant standing in front of and near the porch and in a few minutes saw the other defendant, Claude Shanks, come walking up near the front porch. That Scott Shanks, had the gun in his hand but that Claude Shanks did not have any gun, in his hand and had not set any gun down near the porch.

Affiant states further that he had no chance, either he or his brother Scott to obtain this evidence and produce it at the trial because ~~because~~ they were in jail from the time of the killing up until the trial. That his attorneys had no opportunity to obtain the evidence because he is informed that they were not employed until Monday 21st, of April and were engaged otherwise in the work of the Court,

Claude Shanks.

Sworn to and subscribed before me this the 7th, day of May 1930.

Albert Binkley, Clerk.

STATE OF TENNESSEE
HUMPHREYS COUNTY.

Scott Shanks, one of the defendants in the case of State of Tennessee vs Scott and Claude Shanks, tried and convicted at the April ¹⁹³⁰ term of Circuit Court, Waverly Tennessee states upon his oath that within the last two hours or the two hours preceding the hearing for a new trial in said cause, he has learned, and is informed that one of the jurors, sitting upon the trial of this cause, qualified under oath, and testified in his examination as a prospective juror that he knew nothing about the facts of the case, and had neither formed nor expressed an opinion as to the guilt or innocence of the defendant, and affiant is further informed, and believes, charges, and alleges that the said juror A.K. Corlew, did know all the facts concerning the alleged killing, having learned the facts relative thereto from his father-in-law J.T. Farnsworth, who lived or did live near the defendants, and who is now not on good terms with the defendants, and that said juror Corlew detailed these facts to one Clint Flowers, who was also called, examined and excused of his knowledge of the facts of the alleged homicide, which knowledge was based upon the facts as detailed to him by the juror, A.K. Corlew.

Affiant states upon information which he thoroughly believes, and charges that the juror, A.K. Corlew, qualified as a juror with the intention of convicting the defendants, regardless of proof, in order to vindicate the feelings of his father-in-law J.T. Farnsworth. Affiant further states that this information reached him at such a late hour that he is unable to find the said Clint Flowers, who lives some 12 or 15 miles from Waverly and obtaining his affidavit to these facts, Affiant states that he obtained the above information through his attorneys from one of the jurors sitting on this case, name Grady Turner

Scott Shanks

Sworn to and subscribed before me this the 7th. day of May 1930

Albert Binkley Clerk.

and the same being heard by the court it is in all things over-ruled. to which action of the court the defendants except

It is therefore ordered, adjudged and decreed by the court, that for the offense as found by the juror the defendant, Scott Shanks, be confined in the state penitentiary, at Nashville, Tennessee, at hard labor for a term of his natural life, and that the defendant Claud shanks, be confined in the state penitentiary, at Nashville, Tennessee at hard labor for a period of time of not more than two years nor less two years, and that the defendants pay the costs of this cause for which let execution issue,

Thereupon the defendant moved in arrest of judgment, which motion is likewise over-ruled by the court and to which action of the court the defendants except.

Thereupon the defendants prayed an appeal to the Supreme Court at Nashville, Tennessee, which appeal is granted and the defendants are allowed thirty days in which to prepare and file their bill of exceptions. The defendant, Claud Shanks, will execute an ~~appeal bond~~ appearance bond, as required by law, in the sum of One Thousand Dollars for his appearance before the Supreme Court at Nashville, and the defendant Scott Shanks, will execute and appearance bond, as required by law, in the sum of Ten thousand Dollars for his appearance before the Supreme Court at Nashville, and in the event of the failure of either to execute said bond he will be held in the custody of the sheriff of Humphreys County, to await the orders of the court

Court met pursuant to adjournment, present and presiding the Hon. J.D.G. Morton, Judge etc. This day the Grand Jury came into open court and present the following indictments, and presentments.

One against Clyde Tipton and Marion Gun, Drunkenness, subpoena for the state Berry Adkins r.W. Burgess, J.W. Tummins and John Holloran.

One against Goad Wright, and Paul Wright, B.D. subpoena for the state, R.F. Ingram, Dock Anderson, Malcolm Ingram, and Jim Brake,

One against Thomas F. Plant Drunkenness, subpoena for the state J.R. Traylor, D.B. McCann D.A. Burch, and Tom Harris,

One against Ammond Elazer, B.D. subpoena for the state Joe Traylor J.B. Bell and James English.

One against Neal Inman driving drunk, which indictment is in the words and figures following August Term of Circuit court, A.D. 1930 State of Tennessee, Humphreys County. The Grand Jurors for the state of Tennessee, duly elected empaneled, sworn and charged to inquire for the body of the County of Humphreys, and state aforesaid, upon their oath aforesaid, present that Neal Inman heretofore, to wit, on the 8th day of June 1930 in said County and state, unlawfully did drive an automobile on the public road of said state and county while under the influence of intoxicating liquor contrary to the statute and against the peace and dignity of the state W.C. Howell Attorney General pro tem August Term 1930 THE STATE vs Neal Inman Driving drunk, James English Prosecutor subpoena for the state James English J.R. Traylor, witness sworn by me on this indictment before the Grand Jury August term 1930 Foreman Grand Jury W.C. Howell assistant Attorney General, A TRUE BILL R.H. McKeel Foreman Grand Jury.

One against Charlie Koons driving drunk, which indictment is in the words and figures as follows State of Tennessee, Humphreys County. August Term of Circuit Court A.D. 1930. 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 Charlie Koons heretofore to wit, on the 11th day of May 1930, in said County and state, unlawfully did drive an automobile on the public road of said state and county, while under the influence of intoxicating liquor, contrary to the statute and against the peace and dignity of the state: E.C. Howell, assistant Attorney General, August Term 1930 THE STATE vs Charlie Koons, Driving drunk, Roy Pinkston Prosecutor, subpoena for the state Roy Pinkston W.D. King witnesses sworn by me on this indictment before the Grand Jury August Term 1930 Foreman Grand Jury, W.C. Howell assistant Attorney General, A TRUE BILL R.H. McKeel Foreman Grand Jury.

One against Robert Mofield and Arthur Guinn, H.B. and Larceny, which indictment is in the words and figures as follows, to wit State of Tennessee, Humphreys County, August term of Circuit court, A.D. 1930. 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 Robert Mofield and Arthur Guinn heretofore to wit: on the 19, day of July 1930, in said county and state, unlawfully, feloniously and forcibly, did break and enter the business house of one D.T. Warden of said county, with the intent to commit a felony felony to wit a larceny, And the Grand Jury aforesaid, upon their oath aforesaid further present that the said Robert Mofield and Arthur Guinn, on the day and year aforesaid in the State and county aforesaid unlawfully feloniously did take steal and carry away one pair men shoes of the value of four dollars, and of the goods and chatties of the said D.T. Warden with intent to deprive him the said D.T. Warden, the true owner thereof, and convert the same to their own use, contrary to the statute and against the peace and dignity of the state

W.C. Howell assistant Attorney General, August Term 1930 THE STATE vs Robert Mofield and Arthur Guinn house breaking and larceny, D.T. Warden Prosecutor subpoena for the state D.T. Warden M.L. Moran. Witnesses sworn by me on this indictment before the Grand Jury Aug. Term 1930 Foreman Grand Jury W.C. Howell assistant Attorney General A TRUE BILL R.H. McKeel Foreman Grand Jury,

One against Irvin Rhodes and Luther Rhodes murder which indictment is in the words and figures as follows State of Tennessee, Humphreys County, August Term of the Circuit Court A.D. 1930 The Grand Jurors for the State of Tennessee, duly elected, empaneled, sworn and charged to inquire for the county of Humphreys and state aforesaid, upon their oath aforesaid present that Irvin Rhodes and Luther Rhodes, heretofore to wit, on the 29th, day of July 1930 in the state and county aforesaid, unlawfully, willfully, deliberately, premeditatedly, and maliciously made an assault upon the body of one Jesse Jackson, with a shot gun inflicting deep dangerous, and mortal wounds from and on account of which he the said Jesse Jackson died and so the Grand Jurors aforesaid, upon their oaths aforesaid, present and say that the said Irvin Rhodes and Luther Rhodes, on the day and year aforesaid, by the means and in the manner aforesaid, and in the state and county aforesaid, unlawfully, feloniously, willfully deliberately, premeditatedly, and of his malice aforethought, did kill and murder him the said Jesse Jackson and commit the crime of murder in the first degree, to the evil example of all others likewise offending, and against the peace and dignity of the state W.C. Howell assistant Attorney General, August Term 1930 THE STATE vs. Irvin Rhodes and Luther Rhodes Henry Jackson Prosecutor subpoena for the state Henry Jackson Sam P. L. Ham Josh Howe Bob Warren Ely McNeil W.C. Howell assistant Attorney General witness sworn by me to testify before the Grand Jury upon this indictment at August Term 1930 Foreman Grand Jury A TRUE BILL R.H. McKeel Foreman Grand Jury.

State of Tennessee)
vs.) ab abandonment of wife.
Newman Eakes)

In this cause the Grand Jury return an indictment marked not a true bill. It is therefore ordered adjudged and decreed by the court that aforesaid be discharged.

Walter Brown)
vs.) Circuit Court, Humphreys County, Tenn., August term 1930
W.A. Hooper)

Came the parties, and also a jury of good and lawful men, to wit: W.L. Lattimore, Elmer Swaney, Will Batsen, Walter Simpson, J.R. Perkins Clarence Gwin, George Smith Will Summers J.S. Ridings Clint Bell C.H. Knight, and W.W. Gatlin, who being duly elected tried and sworn the truth to speak, upon the issues joined upon their oath do say, they the issues in favor of the defendant.

It is therefore considered by the court that the issues be and are determined and adjudicated in favor of the defendant, and that the defendant recover of the plaintiff, for the use of those entitled the costs of the case, for all of which let execution issue.

State of Tennessee)
vs.) B.D.
Josh Howe)

In this case came the Attorney General for the State and the defendant in person person and ~~represented~~ by attorney, who being duly charged and arraigned on said indictment, pleads guilty.

Thereupon to try the issues joined, came a jury of good and lawful men of Humphreys county Tenn., to wit: J.A. Fether J.S. Ridings Alvin Simpson Clarence Gwin, George Smith, W.E. McLe Murray, Will Summers W.W. Gatlin J.R. Perkins Joe Davison, C.E. Warren, Jim W. who being duly elected, tried and sworn according to law, after hearing all the proof, argument of counsel and the charge of the court, upon their oath do say that they find the defendant guilty of possessing intoxicating liquor as charged in the indictment and fix and assess fine at the sum of one hundred dollars, It is therefore ordered adjudged and decreed by the court that for the offense as found by the jury, the defendant pay pay or secure a fine of one hundred dollars and the cost of this cause, then came into open court the defendant and paid to the clerk of this court

Minute Circuit Court, Humphreys County August term 12th, day of August 1930

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

State of Tennessee

vs. B.D.
Theodocia Spicer

In this case comes the ^{Assistant} Attorney General for the State, and the defendant in person, who being being duly charged and arraigned on said indictment, pleads guilty. Thereupon to try the issues, joined came a jury of good and lawful men of Humphreys County, Tenn., to wit: J.A. Fortner, J.S. Ridings, Alvia Simpson Clarence Gwin, George Smith W.E. McKie Murray Will Summers W.W. Gatlin J.R. Perkins Joe Davidson C.E. Warren, and Jam Woods who being duly elected, tried and sworn according to law, after hearing all the proof argument of counsel and the charge of the court, upon their oath do say that they find the defendant guilty of possessing intoxicating liquor as charged in the indictment, and fix and assess his fine at the sum of one hundred dollars.

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

State of Tennessee

vs. Drunkness
John Swann

In this cause comes the ^{Assistant} 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 Mrs. Morgan Swarns, and J.S. Swarns, and entered their names as sureties for all of said fine and cost,

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

State of Tennessee

vs. Manufacturing liquor.
Beyd Slaughter

In this cause comes the ^{Assistant} Attorney General for the State, and the defendant in person, who being duly charged and arraigned on said indictment, pleads ~~not~~ guilty. Thereupon to try the issues joined, came a jury of good and lawful men of Humphreys County Tenn., to wit J.A. Fortner, J.S. Ridings Alvia Simpson, Clarence Gwin, George Smith, W.E. McKie Murray, Will Summers W.W. Gatlin, J.R. Perkins Joe Davidson, C.E. Warren, and Jim Woods who being duly ~~and~~ elected tried and sworn according to law, after heard all the proof, argument of counsel, and the charge of the court, upon their oath do say that find the defendant guilty, of manufacturing intoxicating liquor and charged in the indictment and fix and assess his fine at the sum of two hundred fifty dollars, and that he be confined in in the county jail or workhouse for a period of ninety days.

It is therefore ordered adjudged and decreed by the court that for the offense as found by the jury, the defendant pay or secure a fine of two hundred fifty dollars and be confined in the county jail or work house for a period of ninety days, and he pay the cost of this for which let execution issue, and in the event of his failure to pay or secure said fine and costs he will be further confined in the county jail or work house until he pay secure or work out all of said fine and costs

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

Judge,

Minutes Circuit Court, Humphreys County, August Term 13th, day of August 1930

State of Tennessee

vs. Violating the age of consent
William Howard Pruett,

In this cause comes the assistant Attorney General for the state and the defendant in person and by attorney, who, being duly charged and arraigned on said indictment pleads not guilty.

Thereupon to try the issues joined came a jury of good and lawful men of of Humphreys County, to wit: C.E. Warren, J.M. Davidson, C.E. Gwin, W.W. Gatlin, Vernon B. Lawer

Bob Wheeler, J.A. Fortner Jam Woods J.S. Ridings J.R. Perkins George Smith, and W.A. Sanders who being duly elected tried and sworn according to law and, and being in charge of their sworn officers R.F. Ingram and D.A. Burch, who had ~~themselves~~ previously been legally sworn to attend them and the proof not being completed said jury was respite by the court until tomorrow morning at 8.30 o'clock and said jury retired in charge of their sworn officers aforesaid,

Court then adjourned until tomorrow morning at 8.30 o'clock,

Judge,

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

State of Tennessee
vs.
Walter Harris x Drunkenness

In this case came the Assistant Attorney General for the state, and the defendant in person, and plead guilty as charged. Whereupon the court assess the penalty and say he shall pay a fine of five dollars together with all the cost, then came into open court A.W. Work and W.W. Nerman, and entered their names as sureties for all of said fine and cost. It is therefore ordered adjudged, and decreed by the court that the State of Tennessee recover of the defendant and his sureties all of said and cost for which let execution issue.

State of Tennessee
vs.
Walter Bradley } Manufacturing Liquor,

In this cause comes the Assistant Attorney General for the State, and the defendant in person, and by attorney, who being duly charged and arraigned on said indictment pleads guilty. Thereupon to try the issues joined, came a jury of good and lawful men of Humphreys County, to wit: J.A. Fortner, J.S. Ridings, Alvin Simpson, Clarence Gwin, George Smith, W.E. McKle Murray, Will Simpson, W.W. Gatlin, J.R. Perkins, Jee Davidson, E.C. Warren and Jim Woods, who being duly elected tried and sworn according to law, after hearing all the proof argument of counsel and the charge of the court upon their oath do say that they find the defendant guilty of manufacturing intoxicating liquor as charged in the indictment and fix and assess at the sum of two hundred fifty dollars, and that he be confined in the County Jail or work house for a period of 90 days.

It is therefore ordered adjudged and decreed by the court for the offense as found by the jury, the defendant pay or secure a fine of two hundred fifty dollars and that he be confined in the County Jail or work house for a period of 90 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 fine and costs he will be further confined in the county jail or work house until he pay secure or work out all of said fine and costs.

State of Tennessee
vs.
Matt Barrell } Drunkenness

In this case came the Assistant Attorney General for the state, and the defendant in person, and plead guilty as charged. Thereupon the court assess the penalty and say he shall pay a fine of five dollars together with all the costs, and in the event of his failure to pay or secure said fine and costs he will be confined in the county jail or work house until he pay secure or work out all of said fine and costs.

State of Tennessee
vs.
Robert Meffield } Larceny

In this case comes the Assistant Attorney General, and the defendant in person and by attorney, when on recommendation of the Attorney General a nolleprosequi is entered in this case upon the defendant paying or securing the cost, and the event of his failure to pay or secure said cost he will be confined in the county jail or work house until he pay secure or work out all of said costs.

State of Tennessee
vs.
Arthur Gwin, } House breaking and Larceny

In this cause comes the Assistant Attorney General for the state, and the defendant and by attorney, who being duly charged and arraigned on said indictment pleads, ^{not guilty} Thereupon to try the issue joined, came a jury of good and lawful men of Humphreys County, Tenn., to wit: Sid Williams, George Baker, Jim Woods, Jim Moran, C.S. Oliver, John Lehman, Ike Baker, Frank James, J.S. Ridings, J.R. Perkins, J.H. Echell, and W.H. Summers who being duly elected, tried and sworn according to law, after hearing all the proof, argument of counsel and the charge of the court, upon their oath do say that they find the defendant not guilty as charged in the indictment.

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

State of Tennessee
vs.
Fred Barnett et al, } Larceny

In this cause 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.
Clide Tipton and } Drunkenness
Marion Gun,

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

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

State of Tennessee
vs.
W.H. Hod } Life desertion

In this cause comes the Assistant Attorney General for the state, and states to the court, that he desires to prosecute this case no further, it is therefore ordered adjudged and decreed by the court that the defendant be discharged, and go hence without day.

State of Tennessee
vs.
William Howard Pruett } violating the age of consent.

In this cause comes the Assistant Attorney General for the state and the defendant in person and by attorney, who being duly charged and arraigned on said indictment, pleads not guilty.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County Tenn. to wit: A.C. Warren, J.M. Davidson, C.E. Gwin, W.W. Gatlin, Vernon Brewer, Ed Wheeler, J.A. Fortner, J.S. Ridings, J.R. Perkins, George Smith, W.A. Sanders who being duly elected tried and sworn according to law and being in charge of their sworn officers D.A. Burch, and R.F. Ingram, who had previously been legally sworn to attend them, after hearing all the proof the court is of the opinion that the proof shows the defendant to be under sixteen years of age and for that reason the case is ordered by the court to be transferred to the Juvenile court of Humphreys County, Tennessee for disposition in that court.

State of Tennessee
vs.
Luther and Irvin Rhodes } Murder

In this cause comes the Assistant Attorney General for the State and the defendants in person and by attorney, who being duly charged and arraigned on said indictment, pleads not guilty. Thereupon it is ordered by the court that the sheriff summons a venire of seventy five men from which a jury be selected and the defendants were remanded to jail until nine o'clock to morrow morning.

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

W. M. Norton Judge,

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

State of Tennessee

vs. Murder
Luther Rhodes and Irvin Rhodes,

In this cause comes again the assistant Attorney General for the State and the defendants in person and by attorney, who being duly charged and arraigned on said indictment pleads not guilty.

Thrupon to try the issues joined came a jury of good and lawful men of Humphreys County to wit: Fred Hubbs, R.H. Waggoner, H. Dotson, J.M. Reece, H.C. Bruce, Ray Durham, E.B. Madden, E.S. Bruce, W.J. Rice, J.A. Fortner Fred Morris and J.D. Taylor, who being duly elected tried and sworn according to law and being charge of their sworn officers M.L. Moran and G.M. Wyatt, who had previously been legally sworn to attend them and the proof not being completed said jury was respited by the court until tomorrow morning at nine o'clock and said jury retired in charge of their sworn officers aforesaid

this day the Grand Jury came into open court in a body and present the following indictments and presentments,
One against Shely Davis carrying a Ruger subpoena for the state Ray Durham, George Mallard Elmer Adams, Woy Adams, D.G. Adams.

One against Matt Harrell, drunkenness, subpoena for the state Walter McNeill T.H. Harris Dess Burch.

One against Elvis Collier Drunkenness, subpoena for the state, Foy Pinkston, W.B. Cleverger Jr, J.A. Sugg.

One against Tom Gunn, B.D. subpoena for the state Sam Pratt, Walter McNeill Foy Pinkston Dan Pearl.

One against Suge Herbison, drunkenness subpoena for the state Mildred James, Francis Betty Sam Berryman, W.D. James Herbert Peeler.

One against Isaac Crockett, driving car while drunk, which indictment is in the words and figure as follows. State of Tennessee, Humphreys county, August Term of Circuit Court, A.D. 1930. 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 Isaac, Crockett, heretofore to wit, on the 6 day of Aug. 1930, in said county and state, unlawfully did drive an automobile on the public roads of said county while under the influence of intoxicating liquor contrary to the statute and against the peace and dignity of the state, W.C. Howell assistant Attorney General. August Term 1930 THE STATE vs Isaac, Crockett driving drunk, G.M. Wyatt, prosecutor, subpoena for the state G.M. Wyatt John B. Wyatt, witnesses sworn by me on this indictment before the Grand Jury, Aug. Term 1930 R.H. McKeel, Foreman Grand Jury, W.C. Howell assistant Attorney General, A TRUE BILL R.H. McKeel Foreman Grand Jury,

One against Eugene Ethridge, Fate Ethridge and Walter Ethridge resisting arrest, which indictment is in the words and figures as following. State of Tennessee, Humphreys County. August Term Circuit Court, A.D. 1930 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, present that Fate Etheridge, Eugene Ethridge., and Walter Ethridge, heretofore to wit, on the 15th, day of June 1930 in said county and state unlawfully, willfully and knowingly opposed and resisted W.D. King and Foy Pinkston officers of said state and county in making arrest the said Fate Ethridge he the said Fate Ethridge, at the time having them and there committed a violation of law in the presence of said officers aforesaid contrary to the statute and against the peace and dignity of the state. W.C. Howell assistant Attorney General, August Term 1930. THE STATE vs. Fate Ethridge

Consent to present and presiding the Honorable Judge.

Eugene Ethridge, and Walter Ethridge, resisting arrest W.D. King Prosecutor, subpoena for the state W.D. King, May Pinkston Esq. T.O. Simpson, witnesses sworn by me on this indictment before the Grand Jury Aug. Term 1930, R.H. McKeel, Foreman Grand Jury, W.C. Howell assistant Attorney General, A TRUE BILL R.H. McKeel Foreman, Grand Jury

One against Paul Wright and Goad Wright resisting officer, which indictment is in the words and figures as follows, to wit: State of Tennessee Humphreys county, August Term of Circuit Court A.D. 1930 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 Paul Wright and Goad Wright, hereto fore to wit, on the 15th, day of June 1930, in said county and state unlawfully willfully and knowingly opposed and resisted one R.F. Ingram, an officer of said state and county, in making arrest of Goad Wright

at the time having then and there committed a violation of law in the presence, of said officers aforesaid, contrary to the statute and against the peace and dignity of the state W.C. Howell assistant Attorney General. August Term 1930 THE STATE vs Paul Wright and Goad Wright resisting officer subpoena for the state prosecutor, R.F. Ingram Clayton Curtis Spencer Qualls Esq. J.R. Anderson, Renard Waggoner, witness sworn by me on this indictment before the Grand Jury August Term 1930 R.H. McKeel Foreman Grand Jury, W.C. Howell assistant Attorney General, A TRUE BILL R.H. McKeel, Foreman Grand Jury.

One against Ollie Burgess and Hoyt Burgess, Malicious mischief which indictment is in the words and figures as follows, to wit: State of Tennessee, Humphreys County, August Term Circuit Court A.D. 1930 The Grand Jurors for the State of Tennessee, duly elected, empaneled, sworn charged to inquire for the body of the County, of Humphreys, and state aforesaid, upon their

oath aforesaid, present that Ollie Burgess and Hoyt, Burgess, heretofore to wit, on the 19th, of June 1930, on said County and State, having entered the premises of one Emma Pruett unlawfully willfully and maliciously did destroy the beds and clothing by putting tar on same, the same being the goods and chattels of the said Emma Pruett, with the intent to injure the said Emma Pruett, the owner of said property, contrary to the statute and against the peace and dignity of the state, W.C. Howell assistant Attorney General. August Term 1930 THE STATE vs Ollie Burgess and Hoyt, Burgess Emma, Pruett, prosecutor, subpoena for the state Emma Pruett, J.G. Luff, Pearl Pruett, Annie Pruett, Mrs. Grove Bass, Ida Tinnell, witnesses sworn by me on this indictment before the Grand Jury, Aug. Term 1930, R.H. McKeel Foreman Grand Jury, W.C. Howell assistant Attorney General, A TRUE BILL R.H. McKeel Foreman Grand Jury.

One against Hoyt, Burgess, profane language, which in indictment is in the words and figures as follows to wit, State of Tennessee Humphreys County, August Term of the Circuit Court A.D. 1930, 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 Hoyt, Burgess, heretofore, to wit, on the 20, day of June 1930, in said County and State, in a public place, and in the presence and hearing of divers good citizens of the state then and there being unlawfully did utter publish speak and say the following gross, scandalous profane and blasphemous language, to wit God Dam etc. to the disturbance of the public peace, to the great scandal and common nuisance of all good citizens then and there being as aforesaid, to the manifest corruption of public morals to the evil example of all like offenders, and against the peace and dignity of the state.

W.C. Howell assistant Attorney General, August Term 1930, THE STATE vs Hoyt, Burgess, profane language Emma Pruett, prosecutor, subpoena for the state Emma Pruett Ida Tinnell, Annie Pruett, Mrs. Grove Bass, witnesses sworn by me on this indictment before the grand jury August Term 1930, R.H. McKeel, Foreman Grand Jury, W.C. Howell assistant Attorney General, A True Bill R.H. McKeel Foreman Grand Jury.

One against Fate Ethridge, Walter Ethridge and Eugene Ethridge, profane language, which indictment is in the words, and figures as follows, State of Tennessee, Humphreys County, August, Term of the Circuit Court, A.D. 1930. 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 Fate Ethridge Eugene Ethridge and Walter Ethridge heretofore, to wit, on the 15 day of June 1930 in said county and state, in a public place, and in the presence and hearing of divers good citizens of the said county and state aforesaid, there being, unlawfully did utter, publish, speak and say the following gross scandalous profane and blasphemous language, to wit, God Dam etc. to the disturbance of the public peace, to the great scandal and common nuisance of all good citizens then and there being as aforesaid, to the manifest corruption of public morals, to the evil example of all like offenders, and against the peace and dignity of the state, W.C. Howell, assistant Attorney General. August Term 1930 THE STATE vs Fate Ethridge, Walter Ethridge, and Eugene Ethridge, W.D. King Prosecutor subpoena for the state W.D. King Roy Pinkston Esq. T.O. Simpson, witnesses sworn by me on this indictment before the Grand Jury Aug. Term 1930 R.H. McKeel Foreman Grand Jury W.C. Howell, assistant Attorney General A TRUE BILL R.H. McKeel Foreman Grand Jury.

One against Tom Ferguson, profane language which indictment is in the words and figures as follows. State of Tennessee, Humphreys County, August Term of the Circuit Court, A.D. 1930 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 Tom Ferguson heretofore, to wit, on the 5th, day of August 1930 in said county and state, in a public place, and in the presence and hearing of divers good citizens of the state then and there, being, unlawfully did utter publish, speak and say the following gross, scandalous profane and blasphemous language, to wit, God Dam etc.

to the disturbance of the public peace, to the great scandal and common nuisance of all good citizens then and there being as aforesaid, to the manifest corruption of public morals, to the evil example of all like offenders, and against the peace and dignity of the state W.C. Howell assistant Attorney General, August Term 1930, THE STATE vs Tom Ferguson profane language A.D. Carnell Prosecutor, subpoena for the state A.D. Carnell, J.Y. Wall Mrs. J.Y. Wall, L.P. Gwin, witnesses sworn by me on this indictment before the Grand Jury Aug. Term 1930, R.H. McKeel, Foreman Grand Jury, W.C. Howell assistant Attorney General, A TRUE BILL R.H. McKeel Foreman Grand Jury.

One against Kit Baugus, Vernie Murrell, and Laddie Jarred, which assault to commit murder which indictment is in the words and figures as follows: State of Tennessee, Humphreys County, August Term of Circuit Court, A.D. 1930 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 Kit Baugus, Vernie Murrell and Laddie Jarred, heretofore, to wit, on the 18th, day of June 1930, in said County and state, unlawfully and feloniously willfully deliberately premeditatedly and maliciously did make an assault upon the body of one Idam Smith by driving and operating an automobile on on the public roads of said state and county, aforesaid carelessly and heedlessly in willful or wonton disregard of the rights and safety, of others, and without due caution and circumspection at a speed and in a manner so as to endanger or be likely to endanger the lives of persons on said highway recklessly running against, the said Ida Smith on the highway aforesaid, and so the Grand Jurors aforesaid, upon their oath aforesaid present that the said Kit Baugus, Vernie Murrell and Laddie Jarred on the day and year aforesaid in the state and county aforesaid and in the manner and form as aforesaid unlawfully and feloniously, willfully deliberately, premeditatedly and maliciously did make an assault

upon the said Ada Smith, and commit the crime of assault with intent to commit murder in second degree, contrary to the statute and against the peace and dignity of the state.

W.C. Howell assistant Attorney General. August Term 1930. THE STATE vs. Kit Baugus, Vernie Murrell, and Laddie Jarred assault to commit murder Howard Smith Prosecutor. subpoena for the state Howard Smith, Henry Bogard Booker T. Smith, Jummie Cagle Ida Smith, J.S. Mathews Curtis Brown, J.H. Stanford, Boyd Bogard, Dick McMillain, witnesses sworn by me on this indictment before the Grand Jury Aug. Term 1930 R.H. McKeel Foreman Grand Jury, W.C. Howell assistant Attorney General A TRUE BILL R.H. McKeel Foreman G. and J. Ry

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

W.C. Howell Judge,

Court met pursuant to adjournment. Present and presiding the Hon. J.D.G. Morton Judge etc. Hon. W.C. Howell, Dover Tenn, Dear Sir, being unable to perform the duties, of District Attorney General, of the Ninth Judicial Circuit of Tennessee because of ill health, by virtue of the authority vested in me by an Act, of the Legislature of Tennessee, passed in 1929, Chapter 29 I do hereby appoint you assistant Attorney General of the said Ninth Judicial Circuit to serve for such time as my health prevents me from performing of the office. Upon notice from me that I am again able to do the work, your appointment will have no further force or effect. This July, 1, 1929. Jno. B. Bowman District Attorney General of Ninth Judicial Circuit of Tennessee,

State of Tennessee,
Stewart County

I W.C. Howell, do solemnly swear, that I will perform with fidelity the duties of the office of Assistant District Attorney General of the Ninth Judicial Circuit of Tennessee, to which I have been appointed by General Jno. B. Bowman, the District Attorney General of said District, and that I will support the constitution of the United States of America, and the constitution of the State of Tennessee.

I, further swear that I have not, directly or indirectly given, accepted or knowingly carried a challenge in writing or otherwise to any person, being a Citizen of this state, since the adoption of the constitution, in 1833, or aided or abetted therein, and that I will not during my continuance in office, be guilty of either of these acts.

~~Witness my hand, this the 1st day of July, 1930.~~

Witness my hand, this the 1st day of July, 1930.

W.C. Howell,

Sworn to and subscribed before me,
This the 1st, day of July 1929.

Gladys Tubbs,
Notary public

My commission expires April 13, 1932.

State of Tennessee
vs. Murder
Luther Rhodes and Irvin Rhodes

In this cause comes again the Assistant Attorney General for the State, and the defendants in person and by attorney, when the jury heretofore selected and sworn in this cause, to wit. Fred Hubbs R.H. Waggoner, H. Dotson, J.M. Reece, H.C. Bruce, Roy Durham, E.B. Madden, E.S. Bruce, W.J. Rice, J.A. Ferner, Fred Morris J.D. Taylor, having returned, into open court in charge of their officers M.L. Moran, and George Wyatt, and having resumed the consideration of this cause, after hearing all the proof, argument of counsel and the charge of the court, upon their oath do say that they find the defendant Luther Rhodes, guilty of murder in the second degree as charged in the indictment and assess and fix his punishment, at a term in the Penitentiary of not less than ten years nor more than ten years, and the jury find the defendant, Irvin, Rhodes guilty of aiding and abetting in voluntary manslaughter as charged in the indictment and assess and fix his punishment at a term in the Penitentiary of not less two years nor more than three years.

It is therefore ordered adjudged and decreed by the court that for the offense as found by the jury the defendant Luther Rhodes, be confined in the state Penitentiary, at Nashville Tennessee at hard labor for a period of time of not less than ten years nor more than ten years, and that the defendant Irvin Rhodes be confined in the state Penitentiary at Nashville Tennessee, at hard labor for a period of time not less than two years nor more than three years and that the defendants pay the costs of this cause, for which let execution issue.

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

J. D. Morton Judge.

Court met pursuant to adjournment Present and presiding the Hon. J.D.G. Morton Judge o'clock
State of Tennessee
vs. } ~~Lloyd Fuller~~ Malicious mischief,
Lloyd Fuller }

In this cause comes the assistant Attorney General for the State and the defendant in person and by attorney, who being being duly charged and arraigned on said indictment pleads not guilty.

Thereupon to try the issues joined comes a jury of good and lawful men of Humphreys County Tennessee to wit: E.C. Warren, Joe Davidson, A.A. Woods W.W. Gatlin, W.E. McKlemurray Alvia, Simpson, J.A. Fortner, Clarence Gwin, J.S. Ridings, J.R. Perkins, Will Summers, and George Smith, who being duly elected tried and sworn according to law, but not having time to complete the proof said jury was respited by the court until tomorrow morning at at nine o'clock.

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

J. D. Morton Judge.

Minutes Circuit Court, Humphreys County, August term 19th, day of August 1930.

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

State of Tennessee
 vs. Malicious mischief,
 Dorsey Hedge

In this cause comes the assistant Attorney General for the state, and the defendant in person and by attorney who being duly charged and arraigned on said indictment pleads not guilty.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County Tennessee to wit: C.E. Waaren and Joe Davison, W.W. Gatlin E.B. Madden, Alvia Simpson, A.D. Carnell, W.E. McKle Murray E.L. Rogers J.R. Perkins J.S. Ridings, and Clarence Gwin, who being duly elected tried and sworn according to law but not having time to complete the proof said jury was respited by the court until tomorrow morning at nine o'clock.

State of Tennessee
 vs. Malicious mischief,
 Loyd Fuller

In this cause comes again the Assistant Attorney General for the state, and defendant in person and by attorney when the jury heretofore selected and sworn in this cause to wit: E.C. Warren, Joe Davidson, A.A. Woods, W.W. Gatlin, W.E. McKle Murray, Alvia Simpson J.A. Fortner Clarence Gwin, J.S. Ridings J.R. Perkins, Will Summers and George Smith, having returned into open court and having resumed the consideration of this cause after hearing all proof, argument of counsel and the charge of the court, upon their oath do say that find the defendant guilty, of malicious mischief as charged in the indictment. Whereupon the defendant gave notice of a motion for a new trial and this cause is passed pending the filing and hearing of said motion.

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

J.D.G. Morten
 Judge,

Minutes Circuit Court, Humphreys County, August term 20th, day of August 1930.

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

State of Tennessee
 vs. Malicious mischief,
 Dorsey Hedge

In this cause comes again the assistant Attorney General for the state, and the defendant in person, and by attorney when the jury heretofore selected and sworn in this cause to, wit: E.C. Warren, Joe Davidson, W.W. Gatlin, E.B. Madden, Alvia Simpson, A.D. Carnell W.E. McKle Murray, H.L. Rogers, George Smith, J.R. Perkins J.S. Ridings, and Clarence Gwin having returned into open court and having resumed the consideration of this cause after hearing all proof, argument of counsel, and the charge of the court, upon their oath do say that they find the defendant guilty, of malicious mischief, and charged in the indictment,

Whereupon the defendant gave notice of a motion for a new trial and this cause is passed pending the filing and hearing of said motion.

State of Tennessee
 vs. Malicious mischief
 Ernie Matlock

In this cause comes the assistant Attorney General for the state, and the defendant in person, and by attorney, who being duly charged and arraigned on said indictment pleads not guilty. Thereupon to try the issues joined, came a jury of good and lawful men of Humphreys County, to wit: J.A. Fortner Joe Davidson, W.W. Gatlin, E.B. Madden, W.E. McKle Murray, Alvia Simpson A.D. Carnell, H.L. Rogers, Will Summers, J.R. Perkins J.S. Ridings and Clarence Gwin. who being duly elected, tried and sworn according to law after hearing all the proof, argument of counsel and the charge of the court, upon their oath do say that 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.

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

J.D.G. Morten
 Judge.

Minors Circuit Court, Humphreys County, August Term 21st. day of August, 1930

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

State of Tennessee
vs.
Loyd Fuller } Malicious mischief,

In this cause comes the assistant Attorney General for the State, and the defendant in person and by attorney, when it appeared to the court that the motion for a new trial heretofore made in this cause, is abandoned, and defendants do not desire to prosecute same further.

It is therefore ordered adjudged and decreed by the court, that, for the offense as found by the jury, the defendant be required to pay a fine of ~~seventy~~ ^{fifty} dollars, and be confined in the jail of Humphreys County for a period of ten days and that he pay the costs of this cause for which let execution issue

State of Tennessee
vs.
Dorsey Hedge } Malicious mischief,

In this cause comes again the assistant Attorney General for the state, and the defendant in person, and by attorney, when it appeared to the court that the motion for a new trial heretofore made in this cause is abandoned and defendant do not desire to prosecute same further.

It is therefore ordered, adjudged and decreed by the court that, for the offense as found by the jury the defendant pay a fine of fifty dollars and be confined in the jail of Humphreys County, for a period of ten days and that he pay the costs of this cause for which let execution issue.

Buford Brothers, Inc.

vs.
Fowlkes Bros. Drug Co.,
Clay Forks, } Judgment,

This cause came on to be heard with the plaintiff, by their

attorneys B.P. Murphree and Frank Frazier and the defendants, by their attorneys Chapman and Tubbs, at the August 1930 term of the circuit court held at Dover, Tennessee before the Honorable J.D.G. Norton, Judge and the following jury of good and lawful men, to wit: E.C. Warren, Joe Davidson, W.W. Gatlin, Jim Woods, W.A. McKelMurray, Alvia Simpson, J.A. Fortner, Will Summers, George Smith, J.R. Perkins, J.S. Widings and Clarence Gwin. After hearing the proof introduced, the court is of opinion and so orders and adjudges that the jury be instructed to render a judgment in favor of the plaintiff and against the defendant for the sum of One Hundred Ten & 100/100 Dollars and cost of suit.

It is therefore ordered and adjudged by the court that a judgment be rendered in favor of the plaintiff and against the defendant for the sum of One Hundred Ten, & 78/100 Dollars and cost of suit, for which amount execution will issue.

COURT PROCEDURE

It is ordered by the court that all misdemeanor cases triable at the December term 1930 be set for the 3rd. or Monday of the second week, of court, and all felony cases be set for Tuesday after the 3rd, Monday or Tuesday of the second week, of court and subpoenas and appearance bonds will be for those days instead set for Tuesday, and Wednesday of the first week at same court, it being the purpose of this order to set the trial ~~assess~~ of criminal cases for that term for the second week instead of the first week of court. The civil jury docket will be called on Tuesday the first week of court and the non jury docket will be set for a day after court convenes. This order shall only apply to the December term 1930 unless made permanent at the term

Minutes circuit Court, Humphreys County, August term 21st. day of August 1930.

SHERIFF'S BOARD BILL FOR BOARDING PRISONERS CHARGED WITH FELLONIES

This day came Walter McNeil Sheriff and jailer for Humphreys County, Tennessee, in open Court and present and read his board bill against the State of Tennessee, for boarding prisoners charged with felonies.

~~State of Tennessee vs Scott Shanks~~

State of Tennessee vs Scott Shanks Murder April 9, 1930, April 18, 1930, April 20, 1930 to August 11, 1930 425 days at 75cts per day \$93.75

State of Tennessee vs Claud Shanks, murder April 12, 1930 April 18 1930 April 12 1930 to April 26 1930 15 days at 75cts per day \$11.25 2 turn keys \$2.00

\$2.00 \$13.25

State of Tennessee vs. Claud Shanks murder May 7 1930 to May 8th, 1930, 2 days at 75cts per day \$1.50 2 turn keys \$2.00 \$3.50

State of Tennessee Irvin Rhodes, murder July 27 1930 to August 11 1930 14d, at 75cts per day \$10.50 \$12.00

State of Tennessee vs. Luther Rhodes murder July 30 1930 to August 11 1930 12d at 75cts per day \$9.00 \$9.75

State of Tennessee vs Robert Mofield H.W. L. July 31 1930, to August 11 1930 12" at 75cts per day \$9.00 \$141.25

Total \$141.25

State of Tennessee--

vs. J.A. Tomlinson } Forgery

J.A. Tomlinson } Motion to retax cost.

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, ~~ad~~ adjudged and decreed by the court that the cost accrued upon the part of the state be allowed and paid out of the state Treasury and that the clerk of this court make out and certify the same to the Comptroller for payment as the law directs

Mrs. T.C. Bryant's board bill for boarding jury in case of State vs William Howard Pruett,

This day came into open court Mrs. T.C. Bryant and present and read in open court her account against the State of Tennessee, for the jury in case of state against William Howard Pruett, which amount is ~~is~~ \$28.00, and which amount is allowed by the court and ordered paid out of the State Treasury, of the State of Tennessee, and that the clerk of this court make out, and certify the same to the Comptroller of the Treasury, for payment as the law directs,

MRS T.C. BRYANT'S. BOARD BILL FOR/IN CASE LUTHER RHODES AND IRVIN RHODES

This day came into open court Mrs. T.C. Bryant and present and read in open court her account against the state of Tennessee, for boarding the jury in case of State of Tennessee against Luther Rhodes and Irvin Rhodes, which amount is \$56.00, and which amount is allowed by the court, and ordered paid out of the state Treasury, of the State of Tennessee, and that the clerk of this court make out and certify the same to the Comptroller ~~of the~~ of the Treasury for payment as the law directs,

State of Tennessee Motion to retax cost.
 vs. Possessing liquor,
 John Chambers,

In this case came the assistant 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 cost accrued upon the part of the state be allowed and paid out of the County Treasury, and that the clerk of this court make out and certify the same to the County Judge for payment as the law directs.

State of Tennessee motion to retax costs
 vs. Charley Carter

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

State of Tennessee B.D.
 vs. motion to retax costs
 Willie Stewart

In this case came the assistant Attorney General for the state, and it appearing to the court, from the return of the sheriff, upon an execution issued to him by the clerk of this court against the estate of the defendant, for the costs of this suit that the defendant is wholly insolvent unable to pay the costs of this suit or any part thereof.

So it is therefore ordered adjudged and decreed by the court that the costs accrued upon the part of the state be allowed and paid out of the County Treasury, and that the clerk of this court make out and certify the same to the County Judge, for payment as the law directs.

State of Tennessee Possessing liquor,
 vs. Motion to retax costs
 Lillian Durham

In this case came the Assistant 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, any part thereof. So it is therefore ordered, adjudged and decreed by the court that the costs accrued upon the part of the state be allowed and paid out of the County Treasury, and that the clerk of this court make out and certify the same to the County Judge for payment as the law directs.

State of Tennessee
 vs. Motion to retax costs
 Jimmie Dunn Possessing liquor,

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

State of Tennessee
 vs. Motion to retax costs
 Jimmie Dunn, Manufacturing liquor.

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

State of Tennessee Drunkenness,
 vs. Walter Miller

In this case came the assistant 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 drunkenness, and said defendant was arrested and entered into bond with W.E. Wyatt, Jno. M. Miller and W.C. Patterson as his sureties, which bond is in the words and figures as follows: State of Tennessee, Humphreys County, W.E. Walter Miller agree to pay to the State of Tennessee, Two hundred fifty & No/100 dollars unless the said Walter Miller 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 Apr, 1930 Tuesday of said term, to answer the state of Tennessee for the offense of drunkenness and do not depart the court without leave.

Walter Miller Principal
 W.E. Wyatt Surety
 Jno. M. Miller Surety
 W.C. Patterson Surety

Approved

Walter McNeil Sheriff
 This 19th day of Feb, 1930.

And the defendant Walter Miller 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 said W.E. Wyatt, Jno. M. Miller and W.C. Patterson were also called to come into court and bring them the body of the said Walter Miller according to the tenor and effect of their said bond came not but made default, neither came the defendant Walter Miller nor his said sureties but made default.

It is therefore considered by the court that the defendant Walter Miller W.E. Wyatt, Jno. M. Miller and W.C. Patterson for their said default do forfeit and pay unto the state of Tennessee the said sum of Two Hundred fifty dollars according to the tenor and effect of their said bond, And it is further ordered by the court that Sci. Fa. be issued to the defendant and his said sureties requiring them to appear at the next term of this court, and show cause if any they have why this judgment should be made final, and further that ALIAS CAPIAS be issued for the defendant.

State of Tennessee)
 vs.) Contempt of Court.
 Matt Harrell.

In this case, the defendant having been cited before the court for contempt of court, the court fined the defendant guilty of contempt by being drunk in this court, and order that defendant, Matt Harrell, be confined in the county jail of Humphreys County for 10 days and pay the cost of the case for which execution may issue.

State of Tennessee)
 Vs.) B.D.
 Paul Wright

In this case comes 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.

Court then adjourned until Court in Court.

Judge.

CAPTION DECEMBER TERM CIRCUIT COURT A.D. 1930

State of Tennessee)
 Humphreys County)

Be it remembered that a Circuit Court was opened and held in and for the County of Humphreys at the Court house in the town of Waverly Tennessee on the 8th day of December it being the 2nd Monday of said month, and the One Thousand Nine Hundred and Thirtyeth year of our Lord, and the One Hundred and Fifty Fifth year of American Independence, Present and presiding the Hon. J.D.G. Morton Judge of the 9th Judicial District of the State of Tennessee.

Court was opened in due form of law by ~~Walter~~ Walter McNeil 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 October Term 1930, to appear and to serve as jurors at this the present term of this court to wit: Thomas Bigham, R.W. Allison, Morris Scoles, Charlie Trotter, Rob Wheeler, J.R. Moore, J.L. Hickman, George Hughey, H.L. Rogers, Albert Binkley, Tom Coleman, Doss Thompson, Eugene Johnson, Johnnie Petty, Lonnie Rice, E.L. Pruett, Tom Pullen, Jessie Fuqua, W.H. May, W.T. Cannon, Jim Weatherspoon, Alse Woods, Jessie Owens and Dennis Warren.

And it appearing to the court that the above named parties were regularly summoned by the sheriff of Humphreys County, and that all of said parties so summoned appeared and answered said summon.

And out of said juror so summoned the following were selected, as required by law, as Grand Jurymen, to wit: Jim Weatherspoon, R.W. Allison, Eugene Johnson, Johnnie Petty, Rob Wheeler, E.L. Pruett, J.L. Hickman, Charlie Trotter, Jessie Owens, J.R. Moore, Morris Scoles, and Tom Coleman, and R.H. McNeil having been appointed Foreman of the Grand Jury at a former term of this court, the said Grand Jury is in all things as the law directs having been duly elected, tried sworn and charged by the court according to law, retired to their room in charge of J.R. Traylor Deputy Sheriff of Humphreys County, sworn according to law to attend them in considering indictments and presentments.

And out of the remaining number of said jurors so summoned, the following were excused from jury service, by the court, to wit: Dennis Warren, W.H. May, Lonnie Rice and H.L. Rogers. And the following named persons were summoned by the Sheriff of Humphreys County, and qualified as regular jurors in the stead of the above named excused jurors, to wit: J.S. Westbrooks, W.R. Spann, N.C. Curtis and G.T. Hatcher.

W.J. Black)
 Vs.) Circuit Court, Waverly, Tennessee.
 C.E. Pewett)

In this cause the defendant was called into court to defend this suit, but failed to do so; it is therefore ordered, adjudged and decreed by the court that the plaintiff retain and keep the two tires and two tubes in controversy in this cause, and that the plaintiff recover of the defendant, C.E. Pewett, the sum of \$50.00 as damage for the wrongful and unlawful retention of said property, and all the cost of this cause, for which execution may issue.

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 etc.

Henry Rochelle)
Vs.)
R.E. Horner and)
Lizzie Horner)

In this cause on motion of plaintiff the cause is dismissed and the plaintiff will pay the cost for which execution may issue.

The court so orders, adjudges and decrees.

G.L. Rancy)
Vs.) Appealed J.P.
G.W. Pursley)

In this cause the matter in controversy having been compromised and settled out of court it is ordered by the court that this cause be dismissed, and the defendant G.W. Pursley, will pay the cost of this cause for which execution will issue.

A.W. Harris)
Vs.) Condemnation
M.J. Tarpy)
and)
Josie Tarpy)

In this cause it appearing to the court, that W.D. Patterson, a Justice of the Peace for Humphreys County, Tennessee, heretofore filed with the a certified execution from Davidson County, Tennessee, and an execution issued upon said execution, issued by said W.D. Patterson, Justice of the Peace, which certified execution and execution issued by said W.D. Patterson, and the various endorsements thereon, are in words following to wit: State of Tennessee: Davidson County: To any lawfull officer to execute and return: You are hereby commanded, That of the goods and chattels, lands and tenements of M.J. Tarpy, and Josie Tarpy, you cause to be made the sum of (\$151.00) One Hundred and Fifty one dollars and ----- Cents, and cost of suit, to satisfy a judgment which A.W. Harris, obtained before G. Howard Wilkinson, Justice of the Peace on the 3rd. day of May 1928, M.J. Tarpy and Josie Tarpy, Defendants, and such moneys, when collected, pay to the said A.W. Harris, Plaintiff, Given under my hand and seal; this 3rd. day of Oct. 1930.

(Signed) G.H. Wilkinson Justice of the Peace.

No. ----- Magistrate's Execution Docket of G. Howard Wilkinson Justice of the Peace, A.W. Harris, Plaintiff, M.J. Tarpy and Josie Tarpy, Defendants, Judgment 3rd., day of May 1928, Issued 3rd., day of Oct. 1930, G. Howard Wilkinson Justice of the Peace.

Judgment	\$151.00
Officer's Fee	2.00
Justice's "	2.75
Interest	21.89
Total	\$177.64

Filed this Nov. 20, 1930, D.C. Bohanan, Clerk.

STATE OF TENNESSEE,

DAVIDSON COUNTY,

I, Dick Lindsay, Clerk of the County Court of said County, do hereby certify that G.H. Wilkinson, whose genuine signature appears to the attached execution, is now, and at the time of the issuance of the same, an acting Justice of the Peace in and for said County. I further certify that G.H. Wilkinson was, at the time of rendering the Judgment therein specified, an acting Justice of the Peace in and for said County; and that he was duly elected, commissioned and qualified, and his official acts are therefore entitled to due faith and credit.

WITNESS my hand and Seal at office, this 3rd., day October, 1930.

Dick Lindsay Clerk,

By ----- D.C.

(attached)

STATE OF TENNESSEE)

COUNTY OF HUMPHREYS) TO ANY LAWFUL OFFICER TO EXECUTE AND RETURN:

Whereas, on the 3rd., day of May, 1928, in the County of Davidson and the State of Tennessee, before G.H. Wilkinson, an acting Justice of the Peace of said County of Davidson, a judgment was rendered in favor of A.W. Harris and against M.J. Tarpy and Josie Tarpy, for \$151.00 and costs of the suit, and Whereas, an execution was issued thereon for the sum of \$151.00 on October 3, 1930, by the said G.H. Wilkinson, an acting Justice of the Peace of said County, of Davidson, having lawful custody of the papers in said cause, which execution has come into my hands in pursuance of Section 4801 of Shannon's Code of Tennessee, accompanied by the certificate of Dick Lindsey, Clerk of the County Court of said County of Davidson that said G.H. Wilkinson was, at the time of the rendition of said judgment an acting Justice of the Peace of said County of Davidson, and that the said G.H. Wilkinson, was, at the time of the issuance of said execution an acting Justice of the Peace of said County of Davidson. You are, therefore, commanded that of the goods and chattels, lands and tenements of the said M.J. Tarpy and Josie Tarpy you cause to be made the sum of \$151.00 together with lawful interest thereon and also the cost hereon endorsed, and that you make due return of this writ, Witness my hand, this the 4th. day of October, 1930.

W.D. Patterson Justice of the Peace.

MAGISTRATE'S EXECUTION A.W. Harris, Plaintiff, Vs. M.J. Tarpy and Josie Tarpy, Defendants, Judgment 3rd., day of May, 1928. Issued 3rd., day of Oct. 1930, W.D. Patterson Justice of the Peace.

Judgment	\$151.00
Officer's cost	2.00
Justice's "	2.75
Interest	21.89
Clerks Fee	.50
Docket in Humphreys County, Docket	.25
-By-- Judgment	.75
Fl. FA.	.50
Levy Execution	2.00

Said Execution has the following return of officer endorsed on it as follows:

Came to hand same day issued and executed by making a levy on the following described real-estate in Humphreys County, Tenn., to-wit: to property of M.J. Tarpy and Josie Tarpy as follow Lying and being in the third civil District, of Humphreys County, being 80 (eighty) acres bounded as follows, on the north by the lands of Tom Smith, on the east by the lands of John Coleman, on the south by the lands of A.E. Winstead, and on the West by the lands of Tom Smith. This 4th. day October 1930. Roy Pingston D.S.

Filed this Nov. 20, 1930 L.C. Bohanan Clerk.

It is therefore ordered, on motion of the plaintiff that said lands be condemned and sold subject to said homestead right, for the payment of said judgment and cost, and all the cost of this cause, and that order of sale issue to the sheriff accordingly.

E.M.Tisdale
Vs.
L.D.Moss et al.)
In the Circuit Court at Waverly, Tennessee.

This case is dismissed upon motion of attorneys for the plaintiff, and the plaintiff will pay the cost of the case for which execution may issue.

Mrs.Cherry Tisdale)
Vs.
L.D.Moss et al.)
In Circuit Court at Waverly, Tennessee.

This case is dismissed upon motion of the attorneys for plaintiff, and the plaintiff will pay the cost of the case for which execution may issue.

W.J.Black
Vs.
C.E.Pewett)
In Circuit Court, at Waverly, Tennessee.
December Term 1930.

Comes the defendant C.E.Pewett, by his attorney and moves the Court to set aside the judgment taken against him by default in this case, and for a new trial of the case upon the following grounds:

1st.

That some time in Sept. 1930, the plaintiff Black was operating a truck for hire, and the deft, Pewett, sought and obtained him to haul a truck load of hogs to Nashville, Tenn, and while on said trip, plaintiff Black, informed the defendant that he needed some new tire for his truck, and suggested to Pewett, that if he would go on his note to Eveready Motor Co, at Waverly for the price of the tires he could get them. The tires were purchased from said concern, and the note executed by Black with defendant and R.E.Horner as securities thereon, the note being for about the sum of \$96.25. After the note was given and the tires gotten by Black, the said Black gave to the defendant and said Horner a Chattel Mortgage on the truck that he put the tires on, and this mortgage was recorded, and will be made Ex 1 to this Motion and a part hereof, or the same will be read from the book where recorded.

2nd.

Soon thereafter the defendant learned that the title of the truck that Black had mortgaged and put the tires on, was held by some Motor Co at Loberville Tenn, and this concern was preparing to take the truck away from Black, and finally did take it, but in the meantime, the defendant Pewett went to Black and informed him what he had heard about the title to truck, and he admitted for the first time that the title was not in him but in the Loberville concern, or some acceptance Co. But he agreed to let Defendant and R.E.Horner who had secured the note for the tires at Eveready Motor Co, take the tires off the truck and apply them on the note, or sell them and get what they could for them, and credit the note therewith. He took the tires off the truck and delivered them to the Deft. and Horner, and they tried to get the Eveready Motor Co. have them, but they would not take them and make an credit on the note. Thereupon, the defendant carried the tires to his home, and on Oct. the 4th 1930, the Pltff, instituted the replevin suit in this case before J.E.Anderson a Justice of the Peace, the case was tried before Esq. Pace, and judgment rendered in favor of the Defendant. The Pltff appealed the case to this Court, where judgment was taken by default, and the Plaintiff given judgment for \$50.00 as damage for detention of the tires, and for the costs. The Replevin writ and the entire Circuit Court file is made a part of this motion, as Ex 2 thereto.

3rd.

During the pendency of the appeal from the Justice's Court to this Court, the note to the Eveready Motor Co. came due, and upon inquiry by the Deft, whether it had been paid by Black, and finding that it had been paid, the defendant Pewett send word to Black, by one Will Spann, who was the mail carrier on the route that went by Pltff and defendants house, and Mr. Spann also being a member and interested in the Eveready Motor Co, to ask Black what he was going to do about the payment of the note. Black said he would pay it, and got up the money and gave same to Spann, and told Spann when he gave him the money, to take up the note, and that he Black would come to Waverly and dismiss his appeal, and pay the costs of the case. The said Spann conveyed this information to the defendant Pewett, which information was given defendant about the middle of November, and thus the matter stood, without any further information as to the status of the case, until on last night the 8th. of December 1930, the defendant got information that Black had been to Waverly and got the case tried, without any knowledge of the defendant, and that judgment had been rendered against him by default. And by reason of the foregoing state of facts, the deft did not attend upon said Circuit Court trial, and that said judgment so rendered has not been entered upon the minutes of the Court, and should be vacated, and set aside and the defendant given a chance to make his proper defense in said case. And in support of the motion, the defendant makes oath to same, that it may be read both as a motion and an affidavit in support of same. The defendant also filed herewith, and as a part hereof, the Affidavit of Will Spann marked Ex 3 hereto.

State of Tennessee)
Humphreys County.)

C.E.Pewett, makes oath before me, L.C.Bohanan, Clerk of the Circuit Court of Humphreys County Tennessee, that the facts stated in the foregoing Motion and affidavit are true, to the best of his knowledge information and belief.

Sworn to and subscribed
before me, this 9th Dec 1930.
L.C.Bohanan, Clerk.

State of Tennessee)
Humphreys County.)

W.R.Spann makes oath before me, L.C.Bohanan, Clerk of the Circuit Court, at Waverly Tennessee, that he is and has been a Mail Carrier from Waverly to Loberville for some years, and that his mail Route goes by homes of one Bill Black and C.E.Pewett, and that he is interested in the business of the Eveready Motor Co at Waverly Tennessee, and remembers a note being taken by said Motor Co, for \$96.25, or thereabouts, by one Bill Black and C.E.Pewett and R.E.Horner for truck tires that the said Black, had purchased from said Motor Co, some time in Sept or Oct, 1930.

He also remembers that said Black gave a mortgage on the truck, that the tires were out on, to said Pewett and Horner, to secure for signing said note to the Eveready Motor Co. The said Spann states sometime after this Mortgage was given, he learned that the truck was not owned by Black, but that the title to it was in some Acceptance Co, or in Perry Co. Auto Co. at Loberville Tenn, and so informed the said C.E.Pewett of this fact. Therefore and about the time the note came due, he had a conversation with Black, about the note and Black gave him the money to pay the note, which he did, and Black told him to tell Pewett, that the note was paid, After the suit was tried in the Circuit Court and on the same evening that the Judgment was rendered for damages in the case Mr Black told affiant he was not expecting to get any damages.

Sworn to and subscribed before me this 9th Dec 1930. L.C.Bohanan, Clerk.

W.J.Black)
 Vs.) In Circuit Court at Waverly, Tennessee.
 C.E.Pewett)

This case was heard before the Honorable J.D.G.Morton, Judge, upon the motion of the Defendant Pewett to set aside the judgment previously taken against him by default and for a new trial, and after due consideration of said motion and exhibits thereto and the whole record in the case the Court is of the opinion that said motion is well taken and should be and is sustained and said judgment by default is set aside and a new trial is granted the defendant, on Friday December the 12th., 1930, the Court so orders.

Waverly Motor Company)
 Vs.) Circuit Court, Waverly, Tenn.
 J.A.Turner)

JUDGMENT

In this case came the plaintiff and defendant and their attorneys, and a jury, empanelled and sworn to try the issue ^{after} joined; and the introduction of all the proof in the case, and argument of counsel, the court of its own motion directed a verdict in favor of the plaintiff for the amount of his debt sued on with interest from November 29th, 1928; and upon said directions by the court, the jury rendered a verdict in favor of the plaintiff Against the defendant for the sum \$124.15, principal debt and interest together with all the costs of the case.

It is therefore ordered by the court that the plaintiff recover of the defendant the sum of \$124.15, principal and interest, together with all the costs of the case, for which execution may issue.

XXXXXXXXXXXX

IN.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXX

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

J.D.G.Morton Judge.

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HON. J.D.G.MORTON JUDGE ETC.
 Robert H. Baker.)
 Vs.) In Circuit Court at Waverly, Tennessee.
 J.W.Burgess et al.)

On this day December the 11th., 1930 came the parties and their attorneys and a jury impaneled and sworn to try the issue joined in said case and after hearing all of the proof introduced both for the plaintiff and defendant argument of counsel and the charge of the court the jury returned a verdict in favor of the defendant and fixed the damages to the property appropriated for State Highway purposes, in favor of the defendant in the sum of \$ together with all the cost against Humphreys County, State of Tennessee. It is therefore decreed and adjudged by the court that the defendant J.W.Burgess and Mrs. Margaret Hatcher are jointly due the sum of \$ and the cost of the case as damaged caused by the taking of the strip of land described in the petition in this case by the State Highway Department for highway purposes,

It is therefore ordered adjudged and decreed by the court, that all the right title and interest in the strip or parcel of land hereinafter described of the defendants W.W.Burgess and Mrs. Margaret Hatcher be and the same is condemned, and the title thereto divested out of the defendant J.W.Burgess and Mrs. Margaret Hatcher, and each of them and be and is vested in the department of Highway and Public Works of the State of Tennessee, and for the use and benefit of the department of Highway and Public works of the State of Tennessee and for Public purposes.

The land herein condemned for Highway purposes is located in the 3rd. Civil District of Humphreys County Tennessee, on Hurricane creek east of McEwen, Tennessee, and described as follows:

A strip of land from station 282-76 to station 316-91, 100' in width, extending 50' on each side of the center line of said proposed road; said strip of land being 3351' in length and containing 7.492 acres, be the same more or less.

It is therefore ordered by the court that the defendants J.W.Burgess and Mrs. Margaret Hatcher jointly have and recover of the defendant Humphreys County, Tennessee, as damages for the land herein condemned and taken by the State of Tennessee for Highway purposes the sum of \$ with interest from date of judgment together with all costs of this case and for the collection of same such other necessary and proper steps and process may issue.

J.I.Ridings)
 Vs.)
 Tennessee Electric Power Co.)

This cause came on to be heard this Dec. 10th. 1930 by the Hon. J.D.G.Morton Judge with out the intervention of a jury and after hearing the pleading, the witnesses and argument of counsel the Court doth find that the defendant is entitled to recover of the plaintiff the sum of \$77.00 and interest from July 1st. 1929 and all costs of this cause for which execution may issue.

W.D.Patterson)
 Vs.)
 Tennessee Electric Power Co.)

This cause came on to be heard this Dec. 10th. 1930 by the Hon. J.D.G.Morton Judge with out the intervention of a jury and after hearing the pleading, the witnesses and argument of counsel the Court doth find that the defendant is entitled to recover of the plaintiff the sum of \$77.25 and interest from July 1st. 1929 and all costs of this cause for which execution may issue.