

Continued from Minute Book 18

J. C. Choate, Administrator }
Vs. } In the Circuit Court
Humphreys County, et al } Of
Humphreys County, Tennessee } Humphreys County, Tennessee

AFFIDAVIT

In this cause comes, D. A. Hatcher, T. A. Jordan, J. W. Metcalf, Wess Johnson, W. D. Jordan, G. W. Burkett and J. W. Dunn and make oath that they verily believe that because of prejudice against the plaintiff in this cause and his rights of action, and because of prejudice or partiality in favor of the defendants, T. C. Miller, Doss Thompson, John James, J. P. Houseman, W. H. Crockett, Walter Long, W. R. May, or some of them, plaintiff cannot have a fair and impartial trial of this cause before the jury of Humphreys County.

D. A. Hatcher

T. A. Jordan

J. W. Dunn

G. W. Burkett

W. D. Jordan

Subscribed and sworn to before me, this the 25th day of April, 1937

Sworn to and subscribed before me, this the 25th day of April, 1937

John A. Lehman
Notary Public

State of Tennessee)

Vs.) Driving Drunk
G. E. Miller)

In this cause comes the Attorney General for the State and the defendant in person and by attorney, who, being duly charged and arraigned on said presentment, pleads guilty.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: Monroe Wright, J. P. Holleran, R. M. Plant, J. T. Warden, C. W. Trotter, N. C. Curtis, J. O. Prichard, Lenard Petty, J. D. Holmes, D. C. Stringer, W. R. Baas and Malcolm Ingram 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 driving an automobile upon the highways of Humphreys County, Tennessee, while under the influence of intoxicating liquor as charged in the presentment.

It is therefore ordered, adjudged and decreed by the Court that for the as found by the jury the defendant pay or secure a fine of \$10.00 and the costs of this cause for which let execution issue. It is further ordered, adjudged and decreed by the Court that the defendant serve thirty days in jail in Humphreys County, Tennessee, but this sentence is suspended during good behavior. It is further ordered, adjudged and decreed by the Court that the defendant be prohibited from driving an automobile for a period of six months.

State of Tennessee)

Vs.) Felonious Assault
Son Gholston)

This cause coming on to be heard by the Court, present the Attorney General for the State, and the defendant in person and by attorney when upon order of the Court said cause is raised until the next term of the Court.

State of Tennessee)

Vs.) Age of Consent
Hugh Nickell)

In this cause comes again the 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: Pay Holleran, W. R. Baas, J. W. Townsend, W. A. Buchanan, J. D. Holmes, Doyle King, H. M. Sykes, Oliver Dolan, J. O. Prichard, Bill Anderson, J. L. Tinnell and Fred Hubbs, having returned into open Court in charge of their sworn officers, D. B. McCann and D. A. Burch, who had previously been selected and sworn to attend them, and entering into consideration of the cause after hearing all the proof but not having time to hear the argument of counsel and the charge of the Court the jury was again resworn by the Court until tomorrow morning at nine o'clock and said retired in charge of their sworn officers aforesaid.

Court adjourned to meet tomorrow at nine o'clock

Dunc. T. L. Judge

COURT MET PRESUANT TO ADJOURNMENT PRESENT AND PRESIDING HON. DANCY FORT, JUDGE, ETC.

State of Tennessee)

Vs.

Age of Consent

Hugh Nickell

In this cause comes again the 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: Pat Holleran, W. R. Bass, J. W. Townsend, W. A. Buchanan, J. D. Holmes, Doyle King, H. M. Sykes, Oliver Dolan, J. O. Prichard, Bill Anderson, J. L. Timnell and Fred Hubbs, having returned into open Court in charge of their sworn officers, D. B. W. McCann and D. A. Burch who had been previously legally sworn to attend them, and entering into consideration of the 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 guilty of unlawfully and feloniously having carnal knowledge of Josephine Baker as charged in the indictment and assess and fix his punishment at three years in the penitentiary.

It is therefore ordered, adjudged and decreed by the Court that for the offense as found by the Jury the defendant be confined in the State Penitentiary at Nashville, Tennessee, at hard labor for a period of time not less than three years nor more than three years and that he pay the costs of this cause for which let execution issue.

Whereupon the defendant gave notice of a motion for a New Trial and this cause is passed until Saturday May 15, 1937 at which time the defendant will file said motion. It is further ordered by the Court that the defendant will execute an appearance bond in the sum of Twenty-five Hundred Dollars pending the further orders of this Court.

State of Tennessee)

Vs.

Driving Drunk

Joe Hays

In this cause comes the Attorney General for the State and the defendant in person and by Attorney, who, being duly charged and arraigned on said presentment pleads guilty.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tenn., to wit: Maurice Wright, J. P. Holleran, R. M. Plant, J. T. Warden, C. W. Trotter, N. C. Curtis, J. O. Prichard, Lenard Petty, J. D. Holmes, D. C. Stringer, W. R. Bass and Malcolm Ingram 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 illegally driving an automobile on the public highways of said state and County aforesaid while under the influence of intoxicating liquor as charged in the presentment.

It is therefore ordered, adjudged by the court that for the offense as found by the jury that the defendant pay or secure a fine of Ten Dollars and the costs of this cause for which let execution issue. The defendant will serve thirty days in jail in and the defendant is prohibited from driving an automobile for six months in said state.

In the event of his failure to pay or secure the fine and the costs the defendant will be taken in custody of the sheriff of Humphreys County and by him confined in jail until same is paid, secured, or worked out.

E. L. Chance

Vs.

In Circuit Court at Waverly, Humphreys County, Tennessee

J. W. Stapp et al

AGREED JUDGMENT

In this case came the parties by their Attorney's in open Court, 3rd Monday Term 1937, and agree that Plaintiff E. L. Chance may have judgment against the defendants, for One Hundred Fifty Dollars, (\$150.00)

It is therefore ordered and adjudged by the Court, that Plaintiff have and recover of the defendants, the sum of One Hundred Fifty Dollars (\$150.00) and the costs in this case, for which let execution issue.

TO THE HONORABLE DANCY FORT

CIRCUIT JUDGE, NINTH JUDICIAL

CIRCUIT AND HOLDING CIRCUIT

COURT FOR HUMPHREYS COUNTY.

This is the petition of L. C. Bohanan, Circuit Court Clerk for Humphreys County, Tennessee, filed in pursuance to a statute recently passed by the Legislature of the State of Tennessee, authorizing Circuit Judges and Chancerys to supplement salaries of the Clerks of their respective Court, when in the opinion of said Judges the circumstances and facts warrant them in so doing.

Your petitioner would respectfully show to the Court that at this time he is receiving the fees incident to his office which are supplemented by the County to the extent of making a total annual salary of eight hundred dollars, the amount thus paid by the County varying according to the fees collected and reported from the office, it being the purpose under the present arrangement for the county to pay such amount as will insure an annual salary of eight hundred dollars as heretofore set out.

Petitioner would further show to the Court that the duties of the office require his full time such that he can not devote any portion of his time to any thing else. This being true your petitioner would respectfully submit that said salary is not commensurate with the labors performed and the petitioner is asking that under an order of Your Honor be allowed such sum from the funds of the county as will insure an annual salary of One thousand dollars. To do this it will be necessary that the fees collected from the office be supplemented to raise sum of two hundred dollars, such that if this petition is granted it will be an annual increase of two hundred dollars per annum payable out of the funds of the county.

Your petitioner would respectfully show to the Court thirteen members of the County Court of said Humphreys county and the petitioner herewith file as an exhibit to this petition a recommendation signed by a majority of the members of said Quarterly Court sanctioning and recommending the increase in the salary asked for in this petition.

Respectfully submitted, this April 24th, 1937.

.....Circuit Court Clerk

IN THE MATTER OF L. C. BOHANAN; PETITIONER, RELATIVE TO THE SETTING OF HIS SALARY AS CIRCUIT COURT CLERK.

This cause came on to be heard and was heard before the Honorable Dancy Fort, Judge, upon the petition of L. C. Bohanan, Circuit Court Clerk for Humphreys County, Tennessee, and affidavits thereto, and it appearing to the Court from said petition, that the said Clerk of said Court now receives a salary of \$800.00 per annum, that he receives the Clerk's fees of his office, and that at the end of each year the Quarterly County Court of Humphreys County appropriates a sum sufficient to pay him the difference between the amount of his fees and the said sum of \$800.00. And it appears to the Court from the petition of the said Clerk, which is sworn to, and from the affidavits attached to said petition of R. P. White, Trustee, Johnnie Cotham, Register, J. S. Westbrook, Sheriff, D. B. McCann, Deputy Sheriff and County official for the past forty years; J. R. Morris and Mack C. Simpson, two attorneys of the Waverly bar, that the said salary of \$800.00 per annum is inadequate compensation for the said Clerk and said Court, and should be raised.

And it further appeared to the Court from a petition exhibited to the Clerk's petition, and signed by eight of the thirteen magistrates of Humphreys County, namely, W. C. Pace, A. W. Lucas, J. Mac Reeves, G. C. Pickard, L. Dalton Fuqua, John W. Knight, J. R. Anderson and J. C. Mallard, that the compensation is inadequate and should be as much as \$1000.00 per annum.

Therefore, by virtue of the authority vested in this Court by Senate Bill No. 176 passed by the General Assembly of the State of Tennessee on February 18, 1937, and upon good cause shown by the petitioner from his sworn petition, the said affidavits attached thereto, and the request by petition of the above named magistrates, the Court finds and adjudges that the present salary of the said Circuit Court Clerk is inadequate compensation for the work required of said official in said office, and the Court does hereby adjudge and order said to the said Clerk of the County of Humphreys, a sum sufficient to make his salary the sum of \$1000.00 per annum, which sum shall be paid in the same manner as salary of \$800.00 is now paid, that is, the Clerk shall receive and account for the normal fees due the Clerk in his office, and at the end of each year the Quarterly County Court shall appropriate a sum sufficient to make up the difference between the amount of said fees and \$1000.00.

It is further ordered that this decree be entered upon the minutes of the Court by the Clerk. The Court so orders adjuges and decrees.

E. L. Chance, Plaintiff

Versus

The MUNICIPAL PAVING COMPANY,
a Tennessee Corporation with
an office in Waverly, Humphreys
County, Tennessee; E. W. Stapp,
as agent of the Municipal Paving Co.,
and J. M. Stapp, individually a
resident of Humphreys County, Tenn.

In the Circuit Court for Humphreys County,
Tennessee,
April Term, 1938

The plaintiff sues the defendants, Municipal Paving Company, E. W. Stapp as agent of said Company and J. M. Stapp individually, for \$1000.00, One Thousand Dollars, as damages, by reason of the following facts, to wit:

On or about _____ day of _____ 1935, the defendant company entered into a contract with the State of Tennessee to build a viaduct near Waverly in Humphreys County, Tennessee and to conduct the work and sub-let certain parts of the work to other parties. The said company employed the defendant J. M. Stapp as their agent on said contract or sub-let a part of the work to the said J. M. Stapp, but if they did sub-let a part of the work, the defendant company supervised and directed said work and had direct control over same.

In order to build the viaduct it became necessary for the defendants to have gravel and sand hauled from Johnsonville, Tennessee to the project and the said J. M. Stapp asked certain men who lived in the vicinity of the project to place bids for the hauling of the gravel and sand and the plaintiff placed his bid in the haul all of the sand and gravel required which was 3500 tons and offered to haul same for forty cents a ton. On or about the 1st day of January 1936 the defendant Stapps told plaintiff that his bid was the lowest submitted and same accepted and that his work would begin at once or to be exact on or about the _____ day of February 1936. Pursuant to the acceptance of his bid, plaintiff traded for a new truck and prepared to perform his part of the contract and it was generally known and conceded throughout the vicinity that the plaintiff had the contract to haul the sand and gravel aforesaid.

On or about the _____ day of _____ 1936, the date on which the work began, plaintiff was ready and willing to begin work and notified the defendant Stapps that he was ready but the defendant Stapps told plaintiff that the defendant Municipal Paving Company had notified him that he, defendant, was expected to purchase a truck and keep it on the job and therefore he would haul the sand and gravel or have it done by his son with his truck. The defendant therefore breached the contract as herein before set out and thereby damaged plaintiff considerably.

Plaintiff states that since the breach aforesaid, he has been unable to find employment of the same nature as that in the contract.

Plaintiff avers that the defendant J. M. Stapp at the time he was made the contract with plaintiff and at the time he breached same, was duly authorized agent of the Municipal Paving Company and acting within the scope of his authority.

The plaintiff demands a jury to try this cause.

Frazier and Frazier
Attorney for Plaintiff

State of Tennessee)

Vs.

Oce Craft

Public Drunkenness

Motion to re-tax costs

In this case comes the Attorney General for the State and it appearing to the court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

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

State of Tennessee)

Vs.

Audley Ross

Bone Dry

Motion to re-tax costs

In this case comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the court that, the cost accrued upon the part of the State be allowed, and order payed out of the County Treasury and that the Clerk make out and certify same to County Judge for payment as the law directs.

State of Tennessee)

Vs.

Frank Oakley

Driving Drunk

Motion to re-tax costs

In this case comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged, and decreed by the Court that, the costs accrued upon the part of the State be allowed, and order payed out of the County Treasury and that the Clerk make out and certify same to County Judge for payment as the law directs.

State of Tennessee)

Vs.

J. C. Brandon, Jr.)

Assault and Battery

Motion to re-tax costs

In this case comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

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State of Tennessee)

Vs.

Roy Ingram

Public Drunkenness and disorderly conduct

Motion to re-tax costs

In this case comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

It is therefore ordered adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and order paid out of the County Treasury and that the Clerk make out and certify same to County Judge for payment as the law directs.

State of Tennessee)

Vs.

C. N. Brown

Public Drunkenness

MOTION TO RE-TAX COST

In this case comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

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State of Tennessee)

Vs.

G. N. Brown

Public Drunkenness

MOTION TO RE-TAX COST

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State of Tennessee)

Vs.

J. C. Brandon, Jr.)

Breaking Work House

MOTION FOR RE-TAX COST

In this case comes the Attorney General for the State and it appearing to the court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the court that the cost accrued upon the part of the State be allowed, and order payed by the County Treasury and that the Clerk make out and certify same to County Judge for payment as the law directs.

State of Tennessee)

Vs. Breaking Work house - Motion to re-tax costs

Marvin Blackman

In this cause comes the Attorney General for the state and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the costs accrued upon the part of the State be allowed, and order payed out of the County Treasury and that the Clerk make out and certify same to County Judge for payment as the law directs.

State of Tennessee)

Vs. Assault and Battery

J. C. Brandon, Jr. MOTION TO RE-TAX COSTS

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to County Judge for payment as the law directs.

State of Tennessee)

Vs. Public Drunkenness

George Ragan MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to County Judge for payment as the law directs.

State of Tennessee)

Vs. Public Drunkenness

Naith Ghoston MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the Defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to County Judge for payment as the law directs.

State of Tennessee)

Vs.

Naith Colatine

Public Drunkenness

MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

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State of Tennessee)

Vs.

Oce Craft

Public Drunkenness

MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

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State of Tennessee)

Vs.

Walter Jackson

Assault and Battery

MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for payment as the law directs.

State of Tennessee)

Vs.

Clyde Tucker

Public Drunkenness

MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to the cost 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 ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for payment as the law directs.

State of Tennessee)

Vs. Breaking Work house - Motion to re-tax costs

Marvin Blackman

In this cause comes the Attorney General for the state and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

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State of Tennessee)

Vs. Assault and Battery

J. C. Brandon, Jr. MOTION TO RE-TAX COSTS

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State of Tennessee)

Vs. Public Drunkenness

George Ragan MOTION TO RE-TAX COST

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State of Tennessee)

Vs. Public Drunkenness

Naith Ghoston MOTION TO RE-TAX COST

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State of Tennessee)

Vs.

Naith Colatine

Public Drunkenness

MOTION TO RE-TAX COST

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State of Tennessee)

Vs.

Oce Craft

Public Drunkenness

MOTION TO RE-TAX COST

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State of Tennessee)

Vs.

Walter Jackson

Assault and Battery

MOTION TO RE-TAX COST

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State of Tennessee)

Vs.

Clyde Tucker

Public Drunkenness

MOTION TO RE-TAX COST

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State of Tennessee)
 Va.) Public Drunkenness
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State of Tennessee)
 Va.) Public Drunkenness
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State of Tennessee)
 Va.) Assault and Battery
 Walter Jackson) MOTION TO RE-TAX COST

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State of Tennessee)
 Va.) Public Drunkenness
 Clyde Tucker) MOTION TO RE-TAX COST

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State of Tennessee)
 Va.) Public Drunkenness
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State of Tennessee)
 Va.) Public Drunkenness
 George Ragan) MOTION TO RE-TAX COST

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State of Tennessee)
 Va.) P.D. & Disorderly Conduct
 Onley Johnson) MOTION TO RE-TAX COST

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State of Tennessee)
 Va.) Public Drunkenness
 George Ragan) MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost in this suit or any part thereof.

So it is ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for payment as the law directs.

State of Tennessee)
 Vs.) Public Drunkenness
 D. T. Gould) MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for payment as the law directs.

State of Tennessee)
 Vs.) P.D. & Disorderly Conduct
 Nath Golatine) MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to ^{him} by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury, and that the Clerk make out and certify same to the County Judge for payment as the law directs.

State of Tennessee)
 Vs.) Assault and Battery
 Marvin Blackman) MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of County Treasury and that the Clerk make out and certify same to the County Judge for payment as the law directs.

State of Tennessee)
 Vs.) Public Drunkenness
 Pete Hicks) MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for payment as the law directs.

State of Tennessee)
 Vs.) Public Drunkenness
 Walter Jackson) MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury, and that the Clerk make out and certify same to the County Judge for payment as the law directs.

State of Tennessee)
 Vs.) Possession of Liquor
 Floyd Tibbs) MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court, that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and order paid out of the County Treasury, and the Clerk make out and certify same to the County Judge for payment as the law directs.

State of Tennessee)
 Vs.) Bone Dry
 M. K. Holland) MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court, that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and order paid out of the County Treasury, and the Clerk make out and certify same to the County Judge for payment as the law directs.

The following letter was received by the Clerk of the Court and is on file in the record, and will be copied into the Transcript as follows:-

Mr. L. G. Bohanan
Circuit Court Clerk
Waverly, Tennessee

LETTER OF EXTENSION

Dear sir:

In keeping with the Judge's instructions when I drew the order in the case of, State Vs. Hue Nickell I let it show that his motion for a new trial must be filed by May 1, 1937.

To day Judge Morris called me on the telephone and informed me that he had just talked with Judge Fort and for satisfactory reasons the Judge had extended the time of filing the motion until May 15th, 1937. And I am writing to ask you to make this change before you enter the order on the minutes. If you have already entered the order please make the change. If you care to do so you might talk to Judge Morris and he will verify the statements of this letter.

Very truly,
W.C. Howell

STATE OF TENNESSEE
VS.

HUGH NICKELL, In the Circuit Court at Waverly,
Tennessee.

This cause came on further to be heard on May 15, 1937 before the Honorable Dancy Fort, Judge, upon the motion for a new trial duly filed by the defendant, which motion is in the words and figures as follows:-

STATE OF TENNESSEE
VS.
HUGH NICKELL

CIRCUIT COURT AT WAVERLY,
HUMPHREYS COUNTY, TENNESSEE.
--AGE OF CONSENT--

MOTION IN ARREST OF JUDGEMENT
AND FOR NEW TRIAL

In this case on the 15th day of May 1937, comes the defendant, Hugh Nickell, in person and by Attorney, and moves the Court in arrest of Judgement, and for a new trial, upon the following grounds:-

Ist.

BECAUSE: There is not sufficient and material evidence to support the verdict of the jury declaring the defendant guilty of the offense charged in the indictment.

II.

BECAUSE: The greater weight of the evidence preponderates against the verdict of the jury, and in favor of the innocence of the defendant.

III.

BECAUSE: Of great surprise in the introduction by the State of evidence, materially different and in addition to the evidence of the State on a former trial, and the defendant has suffered great injustice thereby, the defendant having no opportunity to refute such additional evidence.

MOTION CONTINUED

IV.

BECAUSE: Of newly discovered material evidence for the defendant since the trial, to late to have it before the jury at the last trial, such witnesses being in different State at and before the trial, and other newly discovered evidence since the last trial, not cumulative in its nature, and not had at the trial because of any negligence of the defendant. And in support of the newly discovered material evidence, the affidavit of the defendant Hugh Nickell, supported by the affidavits of Lealand James, Earl D. James, James Coble, Jess Rushing and Dr. W.W. Slayden are herewith filed and made part of this motion, marked exhibits " supporting affidavits," and hereto attached, "as to acts of intercourse with other men at and before the time charged in the indictment."

*Kate M. James, Mr. & Mrs. L.O. Morgan, Rachel B. Waggoner.

V.

BECAUSE: There was no sufficient and material proof of the State in corroboration of the female in question, such corroboration if any being doubtful, uncertain and by kinspeople not offered on a former trial, by which the defendant was taken by surprise, and from which he suffered great injury.

VI.

BECAUSE: The Honorable was in error in charging the jury as follows:-

"IT IS ADMITTED GENTLEMEN OF THE JURY THAT JOSEPHINE BAKER WAS OVER TWELVE YEARS OF AGE AND UNDER TWENTY ONE YEARS OF AGE AT THE TIME OF THE ALLEGED OFFENSE AND IT ADMITTED THAT SHE AND THE DEFENDANT WERE NOT MARRIED. SO THE ONLY QUESTION FOR YOUR CONSIDERATION ARE THOSE SET OUT IN PARAGRAPHS ONE AND THREE AND FIVE."

When as a matter of fact it was not admitted now shown by the proof that the girl in question was over twelve years of age and under twenty one years of age at the time of the alleged offense; nor was it admitted or shown by any proof that she and the defendant were not married, which is required to be shown under the statute.

For all of which reasons, the defendant should be granted a new trial.

J.R. Morris, Atty. for Defendant.

STATE OF TENNESSEE
HICKMAN COUNTY

IN THE CIRCUIT COURT AT WAVERLY
HUMPHREYS COUNTY TENNESSEE

AFFIDAVIT

Personally appeared before me, G.B. Murphree, a Notary Public in and for said County and State, Hugh Nickell, who, makes oath, that he has been tried twice in the Circuit Court of Humphreys County at Waverly, Tennessee, for violation of the Age Consent Law with Josephine Baker. In the first trial, Hon. J.P.G. Morton, now dead, was the presiding Judge, and upon conviction, the defendant was granted a new trial. The case was again tried at the April term of Court 1937, the Hon. Judge Fort presiding, the jury returning a verdict of guilty and fixing punishment at three years in prison.

The following letter was received by the Clerk of the Court and is on file in the record, and will be copied into the Transcript as follows:-

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CIRCUIT COURT AT WAVERLY,
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II.

BECAUSE: The greater weight of the evidence preponderates against the verdict of the jury, and in favor of the innocence of the defendant.

III.

BECAUSE: Of great surprise in the introduction by the State of evidence, materially different and in addition to the evidence of the State on a former trial, and the defendant has suffered great injustice thereby, the defendant having no opportunity to refute such additional evidence.

MOTION CONTINUED

IV.

BECAUSE: Of newly discovered material evidence for the defendant since the trial, to late to have it before the jury at the last trial, such witnesses being in different State at and before the trial, and other newly discovered evidence since the last trial, not cumulative in its nature, and not had at the trial because of any negligence of the defendant. And in support of the newly discovered material evidence, the affidavit of the defendant Hugh Nickell, supported by the affidavits of Lealand James, Earl D. James, James Coble, Jess Rushing and Dr. W.W. Slayden are herewith filed and made part of this motion, marked exhibits " supporting affidavits," and hereto attached, "as to acts of intercourse with other men at and before the time charged in the indictment."

*Kate M. James, Mr. & Mrs. L.O. Morgan, Rachel B. Waggoner.

V.

BECAUSE: There was no sufficient and material proof of the State in corroboration of the female in question, such corroboration if any being doubtful, uncertain and by kinspeople not offered on a former trial, by which the defendant was taken by surprise, and from which he suffered great injury.

VI.

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When as a matter of fact it was not admitted now shown by the proof that the girl in question was over twelve years of age and under twenty one years of age at the time of the alleged offense; nor was it admitted or shown by any proof that she and the defendant were not married, which is required to be shown under the statute.

For all of which reasons, the defendant should be granted a new trial.

J.R. Morris, Atty. for Defendant.

STATE OF TENNESSEE
HICKMAN COUNTY

IN THE CIRCUIT COURT AT WAVERLY
HUMPHREYS COUNTY TENNESSEE

AFFIDAVIT

Personally appeared before me, G.B. Murphree, a Notary Public in and for said County and State, Hugh Nickell, who, makes oath, that he has been tried twice in the Circuit Court of Humphreys County at Waverly, Tennessee, for violation of the Age Consent Law with Josephine Baker. In the first trial, Hon. J.P.G. Morton, now dead, was the presiding Judge, and upon conviction, the defendant was granted a new trial. The case was again tried at the April term of Court 1937, the Hon. Judge Fort presiding, the jury returning a verdict of guilty and fixing punishment at three years in prison.

MOTION CONTINUED

Affiant states, that he was taken by surprise in the introduction by the State, of evidence materially differed, in the testimony of Lon Baker, father of Josephine Baker, Mrs. Dook Stewart, Aunt of the girl, and Jesse Wright, a Cousin of the girl, all these witnesses corroborating the girl, that the defendant was at her home on Sunday the 9th Sept. 1934, the date fixed by her that she conceived by the defendant. Who on a former trial, the father of the girl testified that he did not know whether the defendant was at his home on said date or not, and could fix no happening or fact, on said date, to corroborate his daughter.

Mrs. Stewart and Jesse Wright were not used on the first trial, but testified in substance, that the reason that they knew that the defendant was at the home of her father on the 9th Sept. Sunday, was that it was the night after a pie supper on the night of the 8th Sept. 1934. Both of these witnesses, were kinspeople of the girl lived right near her, and although they say they knew the facts testified to in the second trial, the State did not use them, hence, the affiant, was taken by surprise with no opportunity to refute this very damaging and surprising testimony, as to the date fixed by the girl in question, that she conceived, and it can be shown, that this corroborative testimony is and after thought, fixed up by kinspeople of the girl in question.

Affiant states, that by reason of the above statements of the three witnesses, Lon Baker, Jesse Wright and Mrs. Stewart, he was taken by surprise, and has suffered great injustice, which can be remedied on another trial of the case for the following reason.

The father of the girl, says the reason he knew the defendant was at his home on Sunday the 9th Sept. 1934 was that on Saturday the 8th, he went to Waverly to get a prescription filled given by Dr. Slayden, for a sore foot, Dr. Slayden did write a prescription for him, and this prescription was filled at the Waverly Drug Co. on the day received, and the prescription shows itself it was filed on the 29th Sept. 1934, instead of the 8th Sept. 1934. The affidavit of the Druggist filling the prescription is herewith filed, and made part hereof and is attached hereto Ex. 1. Also the affidavit of Dr. Slayden is herewith filed and made part hereof attached hereto, and marked Ex. 2. These facts have been discovered since the last trial of the case, and the affiant states he had no opportunity to refute them on the trial, that they are material, are newly discovered evidence after the trial was over. In support of this affidavit as to date of pie supper in the community where the girl in question lived, there is herewith filed and made part hereof, and attached hereto, the affidavits of L. O. Morgan and wife Mrs. Lee Morgan marked Ex. 3. Also the affidavit of Mrs. J. R. James in support of this affidavit is herewith filed, made part hereof as Ex. 4. Affiant states further, that on the first trial of this case, he had present and proved by Earl D. James, that on one or more occasions, just prior to the acts of intercourse charged to affiant, that he James had intercourse with the girl, and just after this testimony was given, by James, Judge Morton, then presiding remarked in open Court, that this witness should be indicted or arrested; and this remark ran James away from the State and into Florida and other States, and the case was continued upon application of the defendant, at the next term hoping that James by he had as witness, but he could not be reached until after the trial of the second time, although affiant made diligent effort to locate him so as to have him here as a witness, since the trial he has been located, his affidavit procured, which is attached hereto, made part hereof as Ex. 5. This testimony is material to a fair

MOTION CONTINUED

AND impartial trial of the defendant, and it was no fault of the defendant, that this witness James could not be procured on the trial, and affiant believes he could produce this witness on another trial of the case, besides other proof of like state of facts. Affiant further states that since the last trial he has discovered other new material and evidence in his behalf, that he had no opportunity to get before the jury, in the person of one James Coble, who was out of the State at the time of the trial and his whereabouts unknown, and who returned to the State just after the trial, and whose affidavit has been procured, is attached hereto, made part hereof and marked Ex. 6. This testimony being material to a fair and impartial trial of the affiant, and will produce if given a new trial and the affiant is entitled to such fair and impartial trial of affiant.

Affiant states further, that he under took to get the evidence herein shown, before the last trial, but was unable to get his witnesses herein shown to talk, that is a part of them, and that he was taken by surprise by the witnesses herein mentioned introduced on the trial that were not used by the State in the former trial, and that he has not been negligent, in trying to procure the foregoing evidence and have it before the jury. "As to acts of intercourse by girl in question at and before the time charged in the indictment with the affiant."

Affiant states further, that he was taken by surprise in the testimony of one Jesse Wright, a witness for the State, who stated in substance, that he saw affiant at the home of Lon Baker, the father of the girl, on the 9th day of Sept. 1934, and the reason he remembered this, from the fact a big rain had fallen on Saturday before being the 8th of Sept. 1934, when as a matter of fact, there was no rain in Tennessee, on the 8th of Sept. 1934, as disclosed by the U.S. Weather Bureau in Humphreys County, records by Rachel B. Waggoner, Co-operative Observer, affidavit attached hereto Ex. 7, and made part hereof, and being the lady in charge of the office.

This 11th day of May 1937.

SEAL

Hugh Nickell

Sworn to and subscribed
before me this 12 day May
1937

G. B. Murphree
Notary Public

My commission expires 10
day of Oct. 1940.

(Ex. supporting affidavit)

State of Tennessee }
Humphreys County }

AFFIDAVIT

Personally appeared before me, _____ A Notary Public in and for said County and state, Jesse Rushing, Proprietor of the Waverly Drug Company, Waverly Tennessee, makes oath that on the 29th day of September 1934 his Druggist filled a prescription written by D. W. W. Slayden, Waverly, Tennessee, which is now on file in this store in Waverly Tennessee, which prescription is as follows:-

"Oxide Zinc Oint, 2 ounces-----Sig. Apply once a day & cover with gauze or thin cloth.

40 G. No. 62217
9/29/34

cont'd next page Take this to Waverly Drug Co.
Waverly, Tennessee

MOTION CONTINUEDJesse Rushing

SEAL

Sworn to and subscribed
before me this May 14th
1937

L. W. Slayden
Notary Public

My commission expires 7
day of Jan'y 1941

AGREEMENT

In this cause it is agreed that the Jesse Rushing who is the proprietor, owner and operator of the Waverly Drug Company and who made affidavit in this cause was in the town of Waverly at the time of the trial of the case of State vs. Hugh Nickell and it is further agreed that Dr. W. W. Slayden was present at the trial having been summoned as a witness. It is further agreed that the cause was continued at the prior term of the Court because of the absence of Earl D. James who was at the time out of the State and was absent out of the state at the April term 1937.

W. C. Howell
Attorney General

J. R. Morris
Counsel for defendant

(Ex. supporting affidavit)

State of Tennessee {
Humphreys County {

SS.

AFFIDAVIT

Personally appeared before me _____ a Notary Public in and for said County and State, Dr. W. W. Slayden, who states upon his oath, that he is a practicing physician, in Humphreys County Tennessee, has his office at Waverly, and has been practicing his profession, for 40 years, doing a general practice. That some time in the month of September 1934, one Lon Baker who was living in the Bold Springs neighborhood south of Waverly, Tennessee, came to his office with a sore foot, my recollection is, he had a boil or carbuncle on the foot, I gave him a prescription, written or oral, with direction how the treatment should be applied.

I have recently been shown a prescription signed by me, numbered 6217, dated 9th/29/1934, on file in the Waverly Drug Co., store in Waverly, Tennessee, and the remedy therein showed, would be a treatment for a carbuncle or boil, and other troubles of like nature. And stated further, that I have no record kept of this transaction, and no recollection of any other prescription that I have given to Mr. Baker.

W. W. Slayden

Sworn to and subscribed
before me this 15th May
1937.

L. W. Slayden
Notary Public

My commission expires 7 day of Jan'y 1941

(Ex. supporting affidavit)

State of Tennessee {
Humphreys County {

SS.

AFFIDAVIT

Personally appeared before me, L. W. Slayden a Notary Public in and for said County and State, L. O. Morgan and wife Mrs. Lee Morgan who made oath, that they live right near Bold Springs Public School House on Tumbling Creek in Humphreys County, Tennessee, and about 2 miles from the home of Miss Josephine Baker, and that they lived at said place, in September of the year of 1934.

Affiants state, that they remember pie supper was at this school house in September 1934, and that it was not on the night of September 1934, which was the 8th of the month for the following reasons:- We belong to a Methodist Church situated some three miles below Bold Springs, and it is usual to have services on Second Sundays in each month, that a Big Meeting began there on the second Sunday in September 1934, and continued until the next Sunday night, or the 3rd Sunday night in September 1934, and we attended the pie supper spoken of above, and know it was after the close of the Methodist meeting above referred to.

Affiants states, that they are not kin to any of the parties mixed up in this lawsuit, have no interest in it, except that the truth be known.

L. O. MorganMrs. Lee Morgan

Seal

Sworn to and subscribed
before me, this 14th May 1937.

L. W. Slayden
Notary Public

My commission expires on 7 day of Jan'y 1941.

(Ex. supporting affidavit)

State of Tennessee {
Humphreys County {

SS.

AFFIDAVIT

Personally appeared before me, A. P. McMurry a Notary Public in and for said County and State, Mrs. Kate M. James, who states upon her oath, that she is 42 years of age, is the wife of J. R. James, that she and her husband own a large farm, right near Bold Springs Humphreys County Tennessee, where they spend their summers, and they spend their winters in Florida, that they have been living on their farm at Bold Springs since 1925.

Affiant states, that since her and her husband had been traveling back and forth from their home at Bold Springs to their winter quarters she has made a practice of keeping the date they leave Tennessee, the items of expense in making the trip, and returning. That on leaving their home in Tennessee for the winter 1934, her record so kept, shows that she left Bold Springs on the 11th day of September 1934 at 7 AM. on said date, the book showing other entries not material here to mention. That the Bold Springs public school house in 1934, is in sight of her home and adjoins her property. That she positive and shows that no pie supper was at this school house in the years 1934 if had at all, until after her departure for Florida on the 11th day of September 1934. She is informed that sometime after she left for Florida in the month of September there was a pie supper at this school house.

Affiant states, further that she remembers well that the latter part of the summer of the year 1934, and up till she left for Florida, that it was very

MOTION CONTINUED

any, no rain in her neighborhood, and she lives about two miles from where Mr. Lon Baker lives.

Affiant states further, that she is not kin to the parties involved in this suit, had no personal interest therein, other than justice be done to all parties.

Mrs. Kate M. James

Sworn to and subscribed
before me on this 14th May
1937.

Seal

A. P. McMurry
Notary Public

My commission expires 6th
day of April 1941

(Ex. supporting affidavit)

State of Florida }
County of Marietta }

SS.

AFFIDAVIT

Personally appeared before me, L. Bell, a Notary Public for the state of Florida at large, in and for said County, Earl D. James, who states upon his oath, that he is 29 years of age, was reared in the State of Tennessee, and is now living in Marietta, State of Florida, that he had been from Tennessee since the day of October, 1929. That his whereabouts have been unknown, by his people since 1st day of April 1937.

I am personally and well acquainted with Josephine Baker and have known her well since 1925, and went to school with her. In the Spring of 1934, Josephine Katherine James and Joe McCrary and me, attended a party at J. L. Shannons in Humphreys County Tennessee, the party being given in an old unoccupied house near Mr. Shannons home, I went to the party by myself. I met Joe McCrary there and he had his Grandfather's car. After the party, Joe McCrary, Josephine Baker, Katherine James and my got into the car and went several miles to the Baker girls home, and on the way to her home, we stopped the car about one mile from Josephine's home, Me and Josephine Baker got out of the car, and it was in the night, and the car drove on and left us alone, the car going on down the road. The car was gone about 30 minutes, the car came back, and then I took a cushion out of the car and Josephine Baker got off the car and she and me took the cushion down the road and sat down on it. We stayed there about 20 minutes, and I had intercourse with her. We went to the car and went home. This occurred some time in April 1934. It was the winter of 1933 on a trip to McEwen Tennessee. I had intercourse with her. It was in the winter of 1933. This time it happened in Slaughter Hollow, between Bold Springs and McEwen, Tennessee. Murry Rogers and Katherine James was with us on this occasion.

Witnesses

Loyd F. Hawkins
L. Bell

Earl D. James

Sworn to and subscribed
before me, this May 6th, 1937.

Seal

L. Bell
Notary Public

My commission expires
May 18th, 1938.

MOTION CONTINUED

(Ex. supporting affidavit)

State of Florida }
County of Manatee }

AFFIDAVIT

Personally appeared before me, L. Bell, a Notary Public for the state of Florida at large in and for said County and State, Lealand James, who states upon his oath, that he is 29 years of age, was reared in the State of Tennessee, and is now living in Hollywood in the State of Florida, that he has been away from Tennessee since the Spring of 1934.

I am personally and well acquainted with Josephine Baker and have known her well since 1928. She lived nearby home at Bold Springs, Tennessee, that some time in the latter part of the year 1933 affiant lived in his father's home at Bold Springs, a bachelor, doing my own cooking and no women folks occupying the premises, that I loaned my car to D. James, Murray Rogers, Katherine James and Josephine Baker, to go to McEwen and Waverly to a show, they came back to my home at Bold Springs some time later in the night, I was in bed and they came in to warm and Josephine Baker pulled off her shoes and got in bed with me and remained some 20 or 30 minutes.

We were in the room alone in bed some 20 or 30 minutes. Other members of the party left the room during this time.

Lealand James

Witness

Earl D. James
Floyd F. Hawkins

SEAL

Sworn to and subscribed
before me this May 8th 1937.

L. Bell
Notary Public

My commission expires May 18th 1938

(Ex. supporting affidavit)

State of Tennessee }
Hickman County }

SS.

AFFIDAVIT

Personally appeared before me, J. J. Coble, a Notary Public in and for said county and State, James Coble, a person known to me to be of good repute who upon his oath, that he is well and personally acquainted, with Hugh Nickell, and on Josephine Baker. That he has known both of the parties for several years. That he had been with the Baker girl on several occasions, prior to September 9th 1934, and before that date on, _____ different occasions he had intercourse with the said Josephine Baker, on and about the following dates: _____

Affiant states further that he is not of any kin to either of the above parties, and this affidavit is made that justice may be done.

This 6 day of May 1937.

James Coble

Sworn to and subscribed
before me this 6 day
of May 1937.

J. J. Coble Notary Public

My commission expires 20 day of Mar 1941.

MOTION CONTINUED

State of Tennessee ()
Humphreys County ()

AFFIDAVIT

Personally appeared before me, Gray A. Cavender, a Notary Public in and for the County of Humphreys State of Tennessee, Rachel B. Waggoner Co-operative Observer U.S. Weather Bureau, Humphreys County, Tennessee, makes oath before me that she is _____ years of age, and that her records kept as such Weather Cooperative Observer in Humphreys County for the month of September 1934, shows the following readings. There was .34 inch rainfall on Sept. 7th 1934. There was no rainfall on Sept 8th and 9th 1934., it was partly cloudy on 7th and 8th Sept, 1934, and clear on the 9th and 10th Sept. 1934, with no rainfall on the 10th Sept. 1934. There was rainfall of 2.25 from 11:20 A.M. Sept. 28th, 1934, to 9:00 P.M. Sept. 29th, 1934. Affiant states that she is not personally interested, in the matters for which this affidavit may be used, is not of kin to the parties involved, but gives the record as kept by her as such cooperative Observer.

Rachel B. Waggoner

Sworn to and subscribed
before me, this May 14th 1937.

Gray A. Cavender
Notary Public

My commission expires
12th day of Jan'y 1937

STATE OF TENNESSEE
VS.
HUGH NICKELL

IN THE CIRCUIT COURT AT WAVERLY HUMPHREYS COUNTY
TENNESSEE

MOTION OVERRULED

The motion for a new trial heard by the Court and was overruled and motion in arrest of Judgment was likewise overruled to which action of the Court the defendant, excepts in overruling the motion for a new trial and in arrest of Judgment.

Thereupon the defendant by Counsel prayed an appeal to Supreme Court at Nashville, Tennessee which is granted and the Court allowed the thirty days from the 15th days of May 1937, to prepare said appeal and file their bill of exceptions.

The appeal of the defendant for the sum of Twenty-Five Hundred Dollars is as follows:-

BOND

STATE OF TENNESSEE, HUMPHREYS COUNTY.

We, Hugh Nickell, and ----- agree to pay to the state of Tennessee Twenty-five and no/100 Dollars, unless the said Hugh Nickell appear at the next term of the Supreme Court, to be held at the State Capitol in the City of Nashville Monday in _____ 1937 on day to be notified of said term, to answer the state of Tennessee for the offense of violation of age of consent law (conviction by jury and sentence of 3 years from Humphreys County Tennessee). and do not depart the Court without leave. This April 24, 1937.

Hugh Nickell Principal

M. B. Nickell Surety

J. B. Anderson Surety

Approved:
J. S. Westbrook, Sheriff
This 24th day of April 1937

REPORT OF GRAND JURY APRIL TERM 1937

We the members of the Grand Jury for the April Term 1937 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 matters given us in charge or otherwise brought to our knowledge.

We have examined the County Jail and Poor House and find the inmates well fed and cared for. The jail needs much repair, especially about windows, screening, etc. A new mattress and rubber sheet recommended for Poor House.

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

The bond of Walter King as Guardian appears unsatisfactory and needs strengthening thereof. Vow having completed our labors we respectfully ask to be dismissed for the term.

R. H. McKeel, Foreman Grand Jury, W. F. Larkins, W. D. Fatterson, Will Summers, T. W. Colman, Marvin Anderson, R. L. McCauley, J. C. Way, N. M. Daniel, T. L. Farnell, E. J. Work, J. C. Guin, and Harace Gatlin.

Court then adjourned until Court in course.

Dwight Ford JUDGE

CAPTION AUGUST TERM CIRCUIT COURT A.D. 1937

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 9th day of August it being the 2nd Monday of said month, and the One Thousand and Nine Hundred and thirtyseventh year of our Lord, and the One Hundred and Sixty-first year of the American Independence. Present and presiding the Hon. Dancy Fortner, Judge of the Ninth Judicial District of the State of Tennessee.

Court was opened in due form of law by J. S. Westbrooks, Sheriff, of Humphreys County, Tenn. 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 2nd Term 1937, to appear and serve as jurors at this the present term of court, to wit: Will Latimer, T. L. Fortner, T. R. Tucker, Jim Hiddings, Clint Deckson, J. H. T. Cotham, H. H. Hemby, Jess Merideth, J. F. Daniel, Jess Anderson, F. Hiddings, Jess Rice, R. P. Holland, G. P. Craft, Y. S. Shanks, L. G. Rushton, J. N. Page, Jim Miller, R. C. Davis, Sam Harrison, Albert Capps, Joe C. Wright, W. L. Latimer, Sam Harrison, L. G. Rushton, J. N. Page, H. H. Hemby.

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 summons.

And out of said jurors so summoned the following were selected, as required by law, as Grand Jurymen, F. Hiddings, R. P. Holland, J. N. Rice, Jim Miller, R. C. Davis, Tom Fortner Joe C. Wright, W. L. Latimer, Sam Harrison, L. G. Rushton, J. N. Page, H. H. Hemby, and R. H. McKeel having been appointed Foreman of the Grand Jury at this term of this Court, the said Grand Jury is in all things as the law directs having been duly elected, tried, and sworn and charged by the Court according to law, retired to their room in charge of their sworn officer D. C. Belthrop, constable 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: T. R. Tucker, Clint Deckson, and Albert Capps. 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: Guy McMillon, R. C. Wheeler, J. R. Pierce, John Davis, G. W. Durham, and J. H. Collier.

APPOINTMENT OF R. H. McKEE, FOREMAN GRAND JURY

It appearing to the Court that the term of R. H. McKeel, Esq. as permanent Foreman of Grand Jury has expired, and that it is necessary to appoint a Foreman the Court was pleased to and did re-appoint Mr. R. H. McKeel permanent Foreman of the Grand Jury for the regular term of two years, whereupon the said R. H. McKeel appeared in open court and accepted said appointment and was duly qualified and sworn as our permanent Foreman of the Grand Jury.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON) Personally came and appeared before me, the undersigned Notary Public in and for the aforesaid State and County C. L. Winn, who, being duly sworn, deposes and says that he is Tenn. Plant Superintendent of the Southern Bell Telephone & Telegraph Company, that he has read the foregoing petition and settlement attached hereto, and that the facts and allegations contained therein are true and correct.

C. L. Winn

Sworn to and subscribed before me this 4 day of June, 1937.

NOTARIAL SEAL

R. L. Harding, Notary Public

STATE OF TENNESSEE)
COUNTY OF HUMPHREYS) Personally came and appeared before me, the undersigned Notary Public in and for the aforesaid State and County, Mirandy Tucker & Mollie Spicer who, being duly sworn, deposes and says that they have read the foregoing petition and settlement attached thereto, and that the facts and allegations contained therein are true and correct.

Mirandy Tucker
Mollie Spicer

Sworn to and subscribed before me this 4 day of June, 1937.

My commission expires April 3, 1938.

C. W. Haygood, N.C.

NOTARY PUBLIC.

IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE, IN THE MATTER OF COMPENSATION FOR Death TO Lonnie H. Spicer EMPLOYEE, AGAINST SOUTHERN BELL TELEPHONE & TELEGRAPH COMPANY, Incorporated.

ORDER APPROVING FINAL SETTLEMENT:

Upon reading the final settlement and release and Joint Petition of the Parties, and it appearing to the Court that the above named employee has received all medical benefits under the Workman's Compensation Act to which he is entitled, and the total amount of compensation under said Act and that they have released the above named employer from all liabilities under the Act.

IT IS THEREFORE ORDERED, that said settlement be and the same is heretby approved, and that said employer pay all costs for which execution may be issued.

Dancy Fort, Judge of Circuit Court.

Dated at Waverly, Tennessee, Aug. 12, 1937, I hereby certify that this is a correct copy of the original filed in this cause entered in M.B. #19, page _____.

Clerk L. C. Bohanan,
By _____ Deputy Clerk.

CIRCUIT COURT CLERK SEAL

JOINT PETITION

In the matter of compensation for

Death
(Injury or Death)

In the Circuit Court of Shelby

of Lonnie H. Spicer, Employee of
Employee of Southern Bell Telephone
and Telegraph Company, Employer

County, Tennessee

We, Southern Bell Telephone and Telegraph Company, and Mirandy Tucker and Mollie Spicer, (Name of Employee or names of dependents of deceased employee) being the only parties interested in the above matter, show that we are subject to the provisions of Chapter 123 of the General Assembly of Tennessee for the year 1919, known as the "Workman's Compensation Act", and having reached a settlement thereunder, hereby petition the court for the approval of said settlement, which is hereto attached, expressly referred to, and made a party hereof.

Furthermore, the petitioners agree to abide by all the provisions of the aforesaid Act, in so far as they are applicable to them.

Also, furthermore, petitioners show that the attached settlement is substantially in accordance with the provisions of the aforesaid Act and petition the Court to approve said settlement.

Dated this 4 day of June, 1937.

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY
By C. L. Winn, Tennessee Plant Superintendent, (Title)
Mirandy Tucker
Mollie Spicer.

Form 4-Work, Comp.

Employer required to file copy of this Settlement with Labor Department, Workmen's Compensation Division, within Ten Days after Settlement is made: Nashville, Tenn.

SETTLEMENT AGREEMENT

BETWEEN EMPLOYER AND EMPLOYEE UNDER "WORKMEN'S COMPENSATION ACT" STATE OF TENNESSEE
IN RE: Southern Bell Tel. & Tel. Co., Employer, and Lonnie H. Spicer, Employee, or Mirandy Tucker and Mollie Spicer, Dependent.

This Agreement, made and entered into this 4th day of June, 1937 by and between Mirandy Tucker and Mollie Spicer, (Injured Employee or Dependent of Deceased Employee) and Southern Bell Tel. & Tel. Co. (Employer, Insurance Company, or Trustee) that for and in consideration of the sum of Eleven Dollars and Thirty cents (\$11.30) to the said Mirandy Tucker and Mollie Spicer paid by the said Southern Bell Tel. & Tel. Co., (Employer, Insurance Company, or Trustee) making in all, with weekly payments already received by the said Mirandy Tucker and Mollie Spicer the total sum of Four Thousand Six Hundred Twenty dollars and no/100 cents (\$4,620.00) in full settlement of compensation under the "Workmen's Compensation Act" of Tennessee, on account of Death, to-wit: Was killed in fall from pole, Memphis Tenn., 9-5-29 (description of injury) resulting to Lonnie H. Spicer. (Name of injured or deceased Employee) on or about the 5th day of September, 1929, while in the employ of Southern Bell Tel. & Tel. Co., Memphis Tenn. (Postoffice, Street Number) said compensation dating from September, 6, 1929 to May 5, 1937 (Date of beginning of Compensation) and being in amount, \$4,620.00. And it is agreed and understood that all claims for compensation for the before mentioned death under the "Workmen's Compensation Act" of Tennessee are this day paid in full, and final settlement is herewith acknowledged. This agreement being subject to review and approval of the Judge of the Circuit Court of the County where the claim for compensation under this Act is entitled to be made. \$4,620.00 includes \$100.00 funeral expenses.

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

Witness our hands this 4th day of June, 1937,

C. L. Winn, Tennessee Plant Superintendent,
215 Church St.
Nashville, Tenn.

Mirandy Tucker, (signature of Employee or Dependent)
Mollie Spicer, Waverly, Tenn.

Filed Aug. 12, 1937
L. C. Bohanan, Clerk.

MINUTES OF COURT OF APPEALS, SEPT. TERM, 1936, NASHVILLE, TENN.
5/24/37

G. C. Davis

Vs.

George Greenwell, et al

Humphreys Law
Rev. and Dis.

This cause coming on to be heard upon a transcript of the record from the Circuit Court of Humphreys County, assignments or error, reply brief and argument of counsel, upon consideration whereof the Court is of opinion that in the judgment of the Court below there is error.

It is therefore ordered and adjudged by the Court that the judgment of the Court below be reversed the suit be dismissed and that G. C. Davis, principal, A. J. Summers, Sr. surety, will pay all of the costs of this cause, for which let fi fa issue.

OFFICE OF CLERK OF THE COURT OF APPEALS for the Middle Division of the State of Tennessee I, DAVID S. LANSDEN, Clerk of said Court, do hereby testify that the foregoing is a true, perfect and complete copy of the Decree of said Court, pronounced at its September term, 1936, in case of G. C. Davis against George Greenwell, et al as appears of record now on file in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the Court, at office in the Capitol at Nashville, on this, the 4th day of Aug. 1937.

OFFICE OF CLERK OF THE COURT OF APPEALS SEAL Dan'l S. Lansden, Clerk

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

David S. Lansden, JUDGE

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HON. DANCY FORT, JUDGE, ETC.

This day the grand jury came into open court in a body and presents the following indictments and assessments.

One against Jake Smith and Herbert Chance, murder which indictment is in the words and figures as follows, to-wit;

State of Tennessee, Humphreys County, August Term of the Circuit Court, A. D., 1937 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 Jake Smith and Herbert Chance heretofore, to-wit, on the 14th day of June, 1937, in the State and County aforesaid, unlawfully, willfully, deliberately, premeditatedly, and maliciously made an assault upon the body of one William C. Tubbs with a infliction deep, dangerous, and mortal wounds, from and on account of which he, the said William C. Tubbs, died; and so the Grand Jurors aforesaid, upon their oaths aforesaid, present and say that the said Jake Smith and Herbert Chance, 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 William C. Tubbs, 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 of Tennessee.

W. C. Howell, Attorney-General.

August Term, 1937, The State vs. Jake Smith and Herbert Chance, Bessie Holder, Prosecutrix, Subpoena for the State: Bessie Holder, Tora Lee, F. M. Wood, J. S. Bowen, Frank Bone, Randolph Hargrove, and Vernon L. Jackson. W. C. Howell, Attorney-General.

Witnesses sworn by me to testify before the Grand Jury upon this indictment at August Term, 1937, R. H. McKeel, Foreman Grand Jury. A True Bill, R. H. McKeel Foreman Grand Jury.

One against Jim Burgess, murder which indictment is in the words and figures as follows, to-wit:

State of Tennessee, Humphreys County, August Term of the Circuit Court, A. D., 1937. 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 Jim Burgess heretofore, to-wit, on the 24th day of May, 1937, in the State and County aforesaid, unlawfully, willfully, deliberately, premeditatedly, and maliciously made an assault upon the body of one William Ansel Hargrove with a shot-gun inflicting deep, dangerous, and mortal wounds, from and on account of which he, the said William Ansel Hargrove died; and so the Grand Jurors aforesaid, upon their oaths aforesaid, present and say that the said Jim Burgess, 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 William Ansel Hargrove, 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, of Tennessee.

W. C. Howell, Attorney-General

August Term, 1937, THE STATE vs. JIM BURGESS, Murder, William Hargrove, Prosecutrix, Subpoena for the State: William Hargrove, Sam Ethridge, Floyd Ethridge, T. R. Westbrooks, J. S. Westbrooks, Bob Binkley, Bradie Moran, Nellie Moran, Weary Edwards, Elmer Buckner, Will Burgess, J. W. Watson, Bessie Burgess, W. C. Howell, Attorney-General. Witnesses sworn by me to testify before the Grand Jury upon this indictment at August Term, 1937.

Foreman, Grand Jury.

A True Bill. FOREMAN GRAND JURY

One against John H. Stewart, desertion which indictment is in the words and figures as follows to-wit; State of Tennessee, Humphreys County. April Term of Circuit Court, A. D. 1937. 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 John Henry Stewart heretofore, to-wit, on the 10th day of October, 1936, in said County and State, he at the time being the husband Lizzie Stewart and legally chargeable with her support unlawfully feloniously and willfully and without good cause did neglect and fail to provide for her according to his means and left her destitute and in danger of becoming a public charge and willfully left the state after such abandonment, contrary to the statements and the against the peace and dignity of the state of Tennessee.

W. C. Howell, Attorney-General

April Term, 1937, THE STATE vs. JOHN HENRY STEWART, Wife desertion, Lizzie Stewart, Prosecutrix. Subpoena for the state: Lizzie Stewart Julia Harrison. Witnesses sworn by me on this indictment before the Grand Jury April Term, 1937, R. H. McKeel, Foreman Grand Jury. W. C. Howell, Attorney-General. A True Bill, R. H. McKeel, Foreman Grand Jury.

One against John Parrott, Drunkenness, Subpoena for the state, Carl Blackburn, Orbreay Cooley, Elvis May, Mrs. Elvis May.

One Against Robert Furtle, Cap Wright and Junior O'Guinn, Gaming, Subpoena for the state, Eugene Tibbs, H. C. Thomas, Alma E. Trull

One against Will Valentine, B. D. Subpoena for the state, T. R. Westbrook, J. D. Lytton, Esq. J. McReeves.

One against Frank Flake, driving drunk, Subpoena for the state, George K. Tate, J. D. Lytton, T. R. Westbrook, Sam Scott.

One against Brown Bibs, driving drunk, subpoena for the state, Sam Scott, Frank Evans, J. S. Westbrooks, T. R. Westbrooks.

STATE OF TENNESSEE
VS. TRANSPORTING
JESS BIRD

This cause coming on to be heard, present for the State the Attorney General when it appearing to the Court that said cause as to defendant, Jamison, has been abated by death and upon motion of the Attorney General said cause was placed on the retired docket of the Court.

STATE OF TENNESSEE
VS. BONE DRY
ALBERT HUGHEY

This cause coming on to be heard by the Court, present the Attorney General for the state and the defendant in person and by Attorney when upon an agreement of the defendant in person and by Attorney when upon an agreement of the defendant to plead guilty at next term said cause was continued until the next term.

STATE OF TENNESSEE
VS. HOUSE BREADING & LARCENY
CLINT McCANDLES

This cause coming on to be heard by the Court, present the Attorney General for the state and the defendant in person and by Attorney, when it is ordered by the Court that the order entered in this cause at the last term of the Court be revived at this term.

STATE OF TENNESSEE
VS. HOUSE BREADING & LARCENY
ROYD WHITE

This cause coming on to be heard by the Court, present the Attorney General for the state and the defendant in person and by Attorney, when it is ordered by the Court that the order entered in this cause at the last term of the Court be revived at this term.

STATE OF TENNESSEE
VS. BONE DRY
L. H. DRYEN AND
LUCILLE DRYEN

This cause coming on to be heard by the Court, present the Attorney General for the state and the defendant in person and by Attorney, when it is ordered by the Court that the order entered in this cause at the last term of the Court be revived at this term.

STATE OF TENNESSEE
VS. DRIVING DRUNK
BOE HAYS

This cause coming on to be heard by the Court when it appearing that the sentence heretofore imposed has been fully met and carried out by the defendant, it is ordered by the Court that said cause be struck from the docket.

STATE OF TENNESSEE
VS. HOUSE BREADING & LARCENY
HARRIS PEHY

This cause coming on to be heard by the Court and the defendant not being apprehended it is ordered by the Court that a capias issue for his arrest.

STATE OF TENNESSEE
VS. BONE DRY
BAKER MARTIN

This cause coming on to be heard by the Court, present the Attorney General for the State and the defendant in person and by Attorney when it is ordered by the Court that

that the former order entered in this case be revived and entered at this term.

STATE OF TENNESSEE
VS. FELONY
MALLOY MAY

This cause coming on to be heard and it appearing that the defendant has not been arrested it is ordered by the Court that as to him an alias issue.

STATE OF TENNESSEE
VS. BONE DRY
W. H. PARKER

This cause coming to be heard by the court and it appearing that the defendant has not been arrested, it is ordered by the Court that as to him an alias issue.

STATE OF TENNESSEE
VS. BONE DRY
ELVIS CHAMBERS

This cause coming on to be heard by the Court, present the Attorney General for the state and the defendant in person and by Attorney, when it appearing to the Court that the defendant has not paid, or secured the fine in this cause, it is ordered, adjudged and decreed by the Court that the defendant be taken in charge by the Sheriff of Humphreys County, Tennessee, and by him held in jail until said fine is paid, secured, or worked out.

STATE OF TENNESSEE
VS. TIFFLING
CHARLIE McGRUDER

This cause coming on to be heard and it appearing that the defendant has not been apprehended it is ordered by the Court that as to him an alias issue.

STATE OF TENNESSEE
VS. DRIVING DRUNK
G. E. MILLER

This cause coming on to be heard and it is ordered by the Court that the former order made in this cause at the last term of the Court be revived.

STATE OF TENNESSEE
VERSUS Assault and battery
A. G. ALLISIO

In this cause comes the Attorney General for the State and the defendant in person and by Attorney, who, being duly charged and arraigned under 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: Geo. Durham, John Davis, G. P. Craft, W. O. Simpson, R. A. Pace, J. R. Pierce, John Collier, J. H. T. Cotham, R. C. Wheeler, Guy McMillian, Wily Hand E. C. Warren, who being duly elected, tried and sworn according to law, after hearing all the proof in the cause, the argument of counsel and the charge of the Court, upon their oath say that they find the defendant guilty of an assault and battery as charged in the indictment and assess and fix his punishment at a fine of Seventy-five 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 Seventy-five Dollars and the costs of this cause for which let execution issue, and in the event of his failure to pay or secure same he will be taken in custody by the Sheriff of Humphreys County, Tennessee, and by him confined in the county jail of Humphreys County, Tennessee, until same is paid, secured or worked out.

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.
A. G. ALISSIO
ASSAULT AND BATTERY

This cause again coming on to be heard, present the Attorney General for the State and the defendant in person and by Attorney, when the motion for a new trial, heretofore filed in this cause, came on to be heard by the Court which motion is as follows:

STATE OF TENNESSEE
VS.
A. G. ALISSIO

MOTION FOR NEW TRIAL

Comes the defendant, A. G. Alessio, and moves the court to set aside the verdict heretofore entered in this cause and grant him a new trial on the following grounds:

1. The verdict is contrary to the law and the facts.
2. The evidence preponderates in favor of the defendant and against the State.
3. There is no evidence to support the verdict.
4. The court erred in permitting the attorney general, over objection of counsel for defendant, to introduce character witnesses for all of the witnesses introduced by the state; when no effort had been made to impeach the state witnesses.
5. The attorney general used improper and prejudicial argument to the jury in stating, "I want you gentlemen of the jury to show the defendant by your verdict that he can't come down here into Humphreys County, out of Davison County, and act in any such manner."

Filed Aug. 13, 1937. J. R. Morris
L. C. Bohanan, Clerk. B. H. Hagey, Atty for defendant

And the said motion being heard by the Court and fully understood, it is in all things overruled. To which action of the Court in overruling said motion, the defendant accepts.

Thereupon, the defendant moved in arrest of judgment, which motion is likewise overruled by the Court and to which action of the Court the defendant accepts.

Thereupon, the defendant prayed and appealed to the Supreme Court at Nashville, Tennessee which appeal is granted and the defendant is allowed thirty days in which to prepare and file his bill of acceptance. The defendant A. G. Alissio, will execute an appearance bond in the sum of Two-Hundred and Fifty Dollars, as required by law, for his appearance before this Court from term to term and in the event of his failure, he will be confined in the County Jail of Humphreys County, Tennessee to await the action of the Court.

STATE OF TENNESSEE
VS.
A. G. ALISSIO
KENT LAVIS
HENRY
SCI FA

This cause coming on to be heard by the Court it is ordered by the Court that said cause be dismissed when the costs of the cause is paid.

STATE OF TENNESSEE
VS.
PORTER HEAD
ASSAULT AND BATTERY

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

Thereupon to try the issues joined came a jury, of good and lawful men of Humphreys County, Tennessee, to wit: Jess Anderson, J. R. Pierce, G. P. Craft, J. F. Daniel, R. E. Pace, Jim Ridings, John Davis, Geo. Durham, H. C. Wheeler, Guy McMillon, Wily Hand, E. C. Warren. Who, being duly elected, tried and sworn according to law, after hearing all of the proff, argument of counsel, and the charge of the Court, upon their oath do say that they find the defendant, Porter Head, guilty of Assault and Battery as charged in the indictment.

It is therefore ordered, adjudged, and decreed by the Court that for the offense as found by the jury the defendant, Porter Head, pay a fine of Fifty-Dollars and the costs of this cause for which let execution issue, and in the event of his failure to pay or secure same, he will be taken in custody by the sheriff of Humphreys County, Tennessee and by him confined in the County Jail of Humphreys County, Tennessee until same is paid, secured or worked out.

Whereupon, the defendant gave notice of a motion for a New Trial, and the case is passed pending the filing and hearing of said motion.

STATE OF TENNESSEE
VS.
PORTER HEAD
ASSAULT AND BATTERY

In this cause comes again the Attorney-General for the State and the defendant in person and by Attorney, when the motion for a New Trial, heretofore filed in this cause, came on to be heard by the Court, which motion is as follows:

STATE OF TENNESSEE
VS.
PORTER HEAD

MOTION FOR NEW TRIAL

Comes the defendant, Porter Head, and moves the court to set aside the verdict, heretofore entered in this cause and grant him a new trial on the following grounds:

1. The verdict is contrary to the law and the facts.
2. There is no evidence to support the verdict.
3. The evidence preponderates on favor of defendant's innocence.
4. The court erred in overruling defendant's motion to quash the indictment.
5. The court erred in stating in respond to a question by counsel, for defendant, whether the defendant was being tried for profanity or drunkenness, that defendant was being tried for both, when the indictment did not charge drunkenness, and in submitting the case to jury on both charges.

Filed this Aug. 13, 1937. J. R. Morris
L. C. Bohanan, Clk. B. H. Hagey, Atty for defendant.

And said motion being heard by the Court and fully understood, it is in all things overruled, to which action of the Court, the defendant accepts.

Thereupon the defendant moved an arrest of judgement, which motion is likewise overruled by the Court and to which action of the Court, the defendant accepts.

Thereupon the defendant prayed and appealed to the Supreme Court at Nashville, Tennessee which appeal is granted and the defendant is allowed Thirty days in which to

prepare and file his Bill of Acception. The defendant, Porter Head, will execute an appearance bond in the sum of Two Hundred and Fifty Dollars, as required by law for his appearance before this Court from term to term, awaiting the action of the Court upon his appeal and in the event of his failure to do so, he will be taken in charge by the Sheriff of Humphreys County, Tennessee and by him confined in the County Jail of said county to await the action of the Court.

STATE OF TENNESSEE
VS. S. I. FA
PORTER HEAD
W. W. NORMAN
L. C. M. P. SAN

This cause coming on to be heard by the Court it is ordered by the Court that said cause be dismissed when the costs of this cause is paid.

STATE OF TENNESSEE
VS. C. P.
T. D. LECTON

This cause coming on to be heard by the Court and it appearing that the defendant is not in Court and that he has not paid the entire amount of the fine in this cause, it is ordered by the Court that as to him a capias issue.

STATE OF TENNESSEE
VS. Assault with intent to commit murder in first degree.
SCOTT B. S. I.

This cause coming on to be heard by the Court and it appearing that the defendant has fully complied with all of the requirements of the Court, it is therefore ordered that this cause be stricken from the docket.

STATE OF TENNESSEE
VS. Bone Dry
ROBERT FAIRLEY

THIS coming on to be heard by the Court it is ordered that when the costs of this cause is paid, that the payment of the fine be suspended until the next term of the Court.

STATE OF TENNESSEE
VS. LARCENY
HAROLD WEAVER SPOON

This cause coming on to be heard and it appearing to the Court that this defendant has not been apprehended, it is ordered by the Court that as to him an alias be issued.

STATE OF TENNESSEE
VS. DRIVING DRUNK
BEN LOHRAM

This cause coming on to be heard by the Court, it is ordered by the Court that the former order in this cause at the last term of the Court be revived at this time.

STATE OF TENNESSEE
VS. Driving Drunk
J. C. FARRISH

This cause coming on to be heard, it is ordered by the Court that the former order entered in said cause at the last term of the Court be revived and entered at this term.

STATE OF TENNESSEE
VS. DRIVING DRUNK
J. N. McKEE

This cause coming on to be heard, present the Attorney General for the State and the

defendant in person and by Attorney, when upon motion of the Attorney General it is ordered by the Court that a nolle prosequi be entered in this case.

STATE OF TENNESSEE
VS. DRIVING DRUNK
F. C. WILLIAMS

In this cause came the Attorney-General for the State and the defendant in person, and by Attorney, who, being duly charged and arraigned on said presentment pleads guilty.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to wit: F. Ridings, R. P. Holland, J. N. Rice, Jim Miller, R. C. Davis, Tom Fortner, Joe C. Wright, W. L. Lattimer, Sam Harbison, L. R. Rushton, J. N. Page, H. H. Hamby, who, being duly elected, tried and sworn according to law, after hearing all of the proof in the cause, the argument of counsel and the charge of the Court, upon their oath, say that they find the defendant guilty of driving an automobile while under the influence of intoxication liquor as charged in the presentment.

It is therefore, ordered, adjudged and decreed by the Court that for the offense as found by the jury, that the defendant, F. C. Williams, pay or secure a fine of Ten Dollars and the costs of this cause for which let execution issue. It is further ordered, adjudged and decreed by the Court that the defendant be taken in charge by the Sheriff of Humphreys County, Tennessee and by him confined in the County Jail for Thirty Days and that the defendant be prohibited from driving an automobile in the State of Tennessee for a period of six-months. However, upon the payment or securing of the fine & costs of the cause, the jail sentence heretofore imposed will be suspended until the next term of Court at which term the defendant will report for further orders from the Court.

STATE OF TENNESSEE
VS. DRIVING DRUNK
BUCK BIBBS

In this cause came the Attorney-General for the State and the defendant in person, and by Attorney, who, being duly charged and arraigned on said presentment pleads guilty.

Thereupon to try the issues joined, came a jury of good and lawful men of Humphreys County, Tennessee, to wit: F. Ridings, R. P. Holland, J. N. Rice, Jim Miller, R. C. Davis, Tom Fortner, Joe C. Wright, W. L. Lattimer, Sam Harbison, L. R. Rushton, J. N. Page, H. H. Hamby, who, being duly elected, tried and sworn according to law, after hearing all of the proof in the cause, the argument of counsel and the charge of the Court, upon their oath, say that they find the defendant guilty of driving an automobile while under the influence of intoxicating liquor as charged in the presentment.

It is therefore, ordered, adjudged and decreed by the Court that for the offense as found by the jury, that the defendant, Buck Bibbs, pay or secure a fine of Ten Dollars and the costs of this cause for which let execution issue. It is further ordered, adjudged and decreed by the Court that the defendant be taken in charge by the Sheriff of Humphreys County, Tennessee and by him confined in the County Jail for thirty days and that the defendant be prohibited from driving an automobile in the State of Tennessee for a period of six-months. However, upon the payment or securing of the fine and costs of the cause, the jail sentence, heretofore, imposed, will be suspended until the next term of Court at which term the defendant will report for further orders from the Court.

STATE OF TENNESSEE
VS. DRIVING DRUNK.
TOM SPICER

In this cause came the Attorney-General for the State and the defendant in person, and by Attorney, who, being duly charged and arraigned on said presentment pleads guilty.

Thereupon to try the issues joined, came a jury of good and lawful men of Humphreys County, Tennessee, to wit: F. Ridings, R. P. Holland, J. N. Rice, Jim Miller, R. C. Davis, Tom Fortner, Joe C. Wright, W. L. Lattimer, Sam Harbison, L. G. Rushton, J. N. Page, H. H. Henby, who, being duly elected, tried and sworn according to law, after hearing all of the proof in the cause, the argument of counsel and the charge of the Court, upon their oath, say that they find the defendant guilty of driving an automobile while under the influence of intoxicating liquor as charged in the presentment.

It is therefore, ordered, adjudged and decreed by the Court that for the offense as found by the jury, that the defendant, Tom Spicer, pay or secure a fine of Ten Dollars and the Costs of this cause for which let execution issue. It is further ordered, adjudged and decreed by the Court that the defendant be taken in charge by the Sheriff of Humphreys County, Tennessee and by him confined in the County Jail for thirty days and that the defendant be prohibited from driving an automobile in the State of Tennessee for a period of six-months. However, upon the payment or securing of the fine and costs of the cause, the jail sentence, heretofore, imposed, will be suspended until the next term of Court at which term the defendant will report for further orders from the Court.

STATE OF TENNESSEE
VS.
POSSESSING LIQUOR
CHARLIE SMITH

In this cause comes the Attorney-General for the State and the defendant in person and by Attorney, who, being duly charged and arraigned on said presentment pleads guilty.

It is, therefore, ordered, adjudged and decreed by the Court that for the offense of possessing intoxicating liquor as charged in the presentment the defendant pay or secure a fine of Ten Dollars and the costs of this cause for which let execution issue and in the event of his failure to pay or secure same, he will be taken in custody by the Sheriff of Humphreys County, Tenn. and by him confined in the County Jail of said Humphreys County, Tennessee, until same is paid, secured or worked out.

STATE OF TENNESSEE
VS.
TRESPASSING & LARCENY
JOHN BERRYMAN

The Attorney-General comes to prosecute in behalf of the State, and the said John Berryman comes in person and by attorney and it is ordered by the Court that the order heretofore entered in this cause at the last term be revived and entered at this term.

STATE OF TENNESSEE
VS.
AGE OF CONSENT
ROBERT DRONEY

The Attorney-General comes to prosecute in behalf of the State and the said Robert Dronney comes in proper person and by Attorney when the cause is continued until the next term of the Court.

STATE OF TENNESSEE
VS.
DRIVING DRUNK
JOHN T. BURK

In this cause came the Attorney-General for the State and the defendant in person and by Attorney, who, being duly charged and arraigned on said presentment pleads guilty.

Thereupon to try the issues joined, came a jury of good and lawful men of Humphreys County, Tennessee, to wit: F. Ridings, R. P. Holland, J. N. Rice, Jim Miller, R. C. Davis, Tom Fortner, Joe C. Wright, W. L. Lattimer, Sam Harbison, L. G. Rushton, J. N. Page, H. H. Henby, who, being duly elected, tried and sworn according to law, after hearing all of the

proof in the cause, the argument of counsel and the charge of the Court, upon their oath, say that they find the defendant guilty of driving an automobile while under the influence of intoxicating liquor as charged in the presentment.

It is therefore, ordered, adjudged and decreed by the Court that for the offense as found by the jury, that the defendant, John T. Burk, pay or secure a fine of Ten Dollars and the costs of this cause for which let execution issue. It is further ordered, adjudged and decreed by the Court that the defendant be taken in charge by the Sheriff of Humphreys County, Tennessee and by him confined in the County Jail for thirty days and that the defendant be prohibited from driving an automobile in the State of Tennessee for a period of six-months. However, upon the payment or securing of the fine and costs of the cause, the jail sentence, heretofore, imposed, will be suspended until the next term of Court at which term the defendant will report for further orders from the Court.

STATE OF TENNESSEE
VS.
DRIVING DRUNK
CHARLIE ROGERS

The Attorney-General comes to prosecute in behalf of the State and the said Charlie Rogers comes in proper person and by Attorney, when it appearing that the defendant has fully complied with all of the requirements of the Court it is ordered by the Court that said case be struck from the docket.

STATE OF TENNESSEE
VS.
DRIVING DRUNK
J. W. GILBERT

The Attorney-General comes to prosecute in behalf of the State and the said J. W. Gilbert comes in proper person and by Attorney, when it appearing to the Court that the defendant has fully complied with all the requirements of the Court it is ordered by the Court that said cause be struck from the docket.

STATE OF TENNESSEE
VS.
DRUNKNESS
JOE HICKS

The Attorney-General comes to prosecute in behalf of the State, and the said Joe Hicks comes in proper person and by Attorney and upon his motion to continue this cause until the next term of the Court at which time he agrees to enter a plea of guilty and be assessed of \$5.00 and costs. It is ordered by the Court that the case be continued until the next term.

STATE OF TENNESSEE
VS.
WIFE DESERTION
JOHN HENRY STEWART

The Attorney-General comes to prosecute in behalf of the State, when it appearing to the Court that the defendant, John Henry Stewart has not been apprehended it is ordered by the Court, that as to him, an alias issue.

STATE OF TENNESSEE
VS.
LARCENY
PAUL JOHNSON &
EARL BREEDEN

The Attorney-general comes to prosecute in behalf of the State, when it appears to the Court, that the defendants, Paul Johnson and Earl Breeden, are not indicted, the grand jury having returned no a true bill in Court. It is therefore ordered by the Court that they go hence without day.

STATE OF TENNESSEE

VS.

MEEKS HARRISON, MRS. MEES HARRISON

The Attorney-General comes to prosecute in behalf of the State, when it appearing to the court that the grand jury reported and a true bill in the cause of Meeks Harrison and Mrs. Meeks Harrison, it is therefore ordered by the Court that go hence without day.

STATE OF TENNESSEE

VS.

WIFE DESERTION

HARRIS SMITH

The Attorney-General comes to prosecute in behalf of the State, when it appears the grand jury reported no a true bill as to the defendant, Harry Smith. It is therefore ordered by the Court that he go hence without day.

STATE OF TENNESSEE

VS.

PETIT LARCENY

ROBERTS GREEN, OCL.

The Attorney-General comes to prosecute in behalf of the State, when it appears to the court that the grand jury reported not a true bill in the cause against Robert Green, and it is ordered by the Court that he go hence without day.

STATE OF TENNESSEE

VS.

AD SURETY

JOE THOMPSON

The Attorney-General comes to prosecute in behalf of the State when it appears to the Court that the grand jury reported not a true bill in the cause against Joe Thompson, It is therefore ordered by the Court that he go hence without day.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

W. A. HOOVER

The Attorney-General comes to prosecute in behalf of the State, when it appears to the Court that the grand jury reported not a true bill in the cause against W. A. Hoover. It is ordered by the Court that he go hence without day.

STATE OF TENNESSEE

VS.

POSSESSING LIQUOR

BILL VALENTE

In this cause comes the Attorney-General for the State and the defendant in person and by Attorney, who, being duly charged and arraigned on said presentment pleads guilty.

Thereupon, to try the issues joined, came a jury of good and lawful men of Humphreys County, Tennessee, to wit: F. Ridings, R. P. Holland, J. N. Rice, Jim Miller, R. C. Davis, Tom Fortner, Joe C. Wright, W. L. Lattimer, Sam Harrison, L. G. Rushton, J. N. Page, H. H. Hemby, 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 say that they find the defendant guilty of illegally possessing intoxicating liquor as charged in the presentment and assess and fix his punishment at 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 costs of this cause for which let execution issue, and in the event of his failure or to pay or secure same, he will be taken in custody by the Sheriff of Humphreys County, Tennessee, and by him, confined in the County Jail of said county until same is paid, secured, or worked out.

STATE OF TENNESSEE

VS.

AGE OF CONSENT

PETE THOMPSON

The Attorney-General comes to prosecute in behalf of the State, and it appears to the Court that the grand jury return not a true bill in the case against Pete Thompson, and it is ordered by the Court that he go hence without day.

STATE OF TENNESSEE

VS.

Bastardy

PETE THOMPSON

The Attorney-General comes to prosecute in behalf of the State, and it appears to the Court that the grand jury reports not a true bill in the case against Pete Thompson, and it is ordered by the Court that he go hence without day.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

FRANK FLAKE

In this cause, comes the Attorney-General for the State and the defendant in person and by Attorney, who, being duly charged and arraigned on said presentment, pleads guilty.

Thereupon, to try the issues joined, came a jury of good and lawful men of Humphreys County, Tennessee, to wit: F. Ridings, R. P. Holland, J. N. Rice, Jim Miller, R. C. Davis, Tom Fortner, Joe C. Wright, W. L. Lattimer, Sam Harrison, L. G. Rushton, J. N. Page, H. H. Hemby, who, being duly elected, tried and sworn according to law, after hearing all of the proof, argument of counsel and the charge of the Court, upon their oath say that they find the defendant guilty of unlawfully driving an automobile while under the influence of intoxicating liquor.

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 Ten Dollars and the costs of this cause for which let execution issue, and in the event of his failure to pay or secure same, he will be taken in custody by the Sheriff of Humphreys County, Tennessee and by him, confined in the County Jail in said County until same is paid, secured or worked out. It is further ordered by the Court that the defendant be confined in the county jail of said county for a period of thirty days, and that he be prohibited from driving an automobile in the State of Tennessee for a period of six-months, however, this thirty-day jail sentence is suspended until next term of Court upon the payment or securing of the fine and costs in this cause. The defendant will report to the next term of this Court.

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

Dray Stork, JUDGE

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HON. DANCY FORT, JUDGE ETC.
STATE OF TENNESSEE

VS. ASSAULT TO MURDER
MARTIN MORAN

This cause coming on to be heard by the Court, present the Attorney-General for the State and the defendant in person and by Attorney when upon motion of the State said cause is continued until the next term because of the absence of a witness, Grady Carter.

STATE OF TENNESSEE
VS. POSSESSIN & TRANSPORTING INTOCATING LIQUOR.
DELMER HOOPER

In this cause comes the Attorney-General for the State and the defendant in person and by Attorney, who, being duly charged and arraigned on said presentment pleads guilty.

Thereupon, to try the issues joined, came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: F. Hiddings, R. F. Holland, J. N. Rice, Jim Miller, R. C. Davis, Tom Fortner, Joe C. Wright, W. L. Lattimer, Sam Harrison, L. G. Rushton, J. N. Page, H. H. Hamby, who, being duly elected, tried and sworn according to law, after hearing all of the proof, argument of counsel and the charge of the Court, upon their oath say that they find the defendant guilty of illegally possessing intoxicating liquor as charged in the presentment and assess and fix his punishment at a fine 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 costs of this cause for which let execution issue, and in the event of his failure to pay or secure same, he will be taken in custody by the Sheriff of Humphreys County, Tennessee and by him confined in the County Jail of said County until same is paid, secured or worked out.

STATE OF TENNESSEE
VS. MURDER
JAKE SMITH
HERBERT CHANCE

The Attorney-General comes to prosecute in behalf of the State, and the said Jake Smith and Herbert Chance come in proper person and by Attorney, when upon motion of the defendants this case is ordered by the Court, to be continued until the next term.

STATE OF TENNESSEE
VS. MURDER
JIM BURGESS

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

Thereupon, to try the issues joined, came a jury and lawful men of Humphreys County, Tennessee, to-wit: D. S. Qualls, R. C. Wheeler, M. V. Moore, R. E. Pace, T. F. Cotham, J. R. Pierce, J. D. Forester, H. C. Wagoner, C. F. Hooper, G. P. Craft, J. H. Collier, A. C. Bates, who, being elected, tried and sworn according to law, and being in charge of their sworn offices, D. O. Lee, D. A. Burch, who had previously been legally sworn to attend them and there not being time to complete the evidence, the jury is respite by the Court until to-morrow morning at nine o'clock, and said jury retired in charge their sworn offices aforesaid.

STATE OF TENNESSEE
VS. COURT then adjourned until to-morrow morning at 9:00 o'clock
JIM BURGESS

In this cause, comes the Attorney-General again, for the State and the defendant

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HON. DANCY FORT, JUDGE ETC.
STATE OF TENN SSEE
VS. MURDER
JIM BURGESS

In this cause, comes the Attorney-General again, for the State and the defendant in person and by Attorneys, when the jury heretofore selected and sworn in this cause, to-wit: D. S. Qualls, R. C. Wheeler, M. V. Moore, R. E. Pace, T. F. Cotham, J. R. Pierce, J. D. Forester, H. C. Wagoner, C. F. Hooper, G. P. Craft, J. H. Collier, and A. C. Bates, having returned into Open Court in charge of their sworn offices, D. O. Lee, and D. A. Burch, and having resumed the consideration of the cause, after hearing all the proof, argument of counsel, and charge of the Court, upon their oaths, say, that they are unable to agree upon a verdict.

Upon the agreement of the defendant and the State, it is ordered by the court that said jury be discharged and the cause retained on the docket for further hearing.

STATE OF TENNESSEE
VS. DRIVING DRUNK
BROWN HILES

In this cause, comes the Attorney-General for the State and the defendant in person and by Attorney, who, being duly charged and arraigned on said presentment, pleads guilty.

Thereupon, to try the issues joined, came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: F. Hiddings, R. F. Holland, J. N. Rice, Jim Miller, R. C. Davis, Tom Fortner, Joe C. Wright, W. L. Lattimer, Sam Harrison, L. G. Rushton, J. N. Page, H. H. Hamby, who, being duly elected, tried and sworn according to law, after hearing all of the proof, argument of counsel and the charge of the Court, upon their oath say that they find the defendant guilty of unlawfully driving an automobile while under the influence of intoxicating liquor.

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 Ten Dollars and the costs of this cause for which let execution issue, and in the event of his failure to pay or secure same, he will be taken in custody by the Sheriff of Humphreys County, Tennessee and by him, confined in the County Jail in said County until same is paid, secured or worked out. It is further ordered by the Court that the defendant be confined in the county jail of said county for a period of thirty days, and that he be prohibited from driving an automobile in the State of Tennessee for a period of six-months, however, this thirty-day jail sentence is suspended until next term of Court upon the payment or securing of the fine and costs in this cause. The defendant will report to the next term of this Court.

STATE OF TENNESSEE
VS. Petit Larceny
ROY (MOONEY) INGRAM

The Attorney-General comes to prosecute in behalf of the State, and it appearing to the Court that the grand jury reports not a true bill, as to Roy (mooney) Ingram, and it is ordered by the Court that he go hence without day.

STATE OF TENNESSEE
VS. ROBERT FERTILE,

Dociment

JUDGE.

STATE OF TENNESSEE

VS.

FORFEITURE

ELVIS CROWELL

In this cause present and prosecuting for the State came the Attorney-General when the defendant, Elvis Crowell, was solemnly called in open Court to come in Court according to the terms of his bond and make defense to this indictment and he came not and his bondsmen, Lee Crowell and Mary Crowell also being solemnly called in open Court according to the terms of the bond to come into said Court and bring with them the defendant, Elvis Crowell, to answer the charge contained in said indictment and they came not.

It is, therefore, ordered, adjudged and decreed by the Court that a fieri facias issue from this Court to be served on the said Elvis Crowell and his bondsmen, Lee Crowell and Mary Crowell, to come into Court and show why the judgment hereinafter pronounced against them should not be made final.

Therefore, it is ordered, adjudged and decreed by the Court that the State of Tennessee recover of the said Elvis Crowell and his bondsmen, Lee Crowell and Mary Crowell, the sum of Two-Hundred and Fifty Dollars, according to the terms of the bond in this cause.

STATE OF TENNESSEE

VS.

GAMING

ROBERT P. FERTLE, ET AL.

In this cause, comes the Attorney-General for the State and the defendant, Robert Fertle, in person and by Attorney, who, being duly charged and arraigned on said presentment, pleads guilty.

It is, therefore, ordered, adjudged and decreed by the Court that for the offense of gaming, the defendant, Robert Fertle, pay or secure a fine of Ten Dollars and the costs of this cause for which let execution issue, and in the event of this failure to pay or secure same, he will be taken in custody by the Sheriff of Humphreys County, Tennessee, and by him, confined in the County Jail of said County until a fine is paid, secured or worked out.

State of Tennessee

Vs.

Charlie Rogers

Running Toll Bridge

MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of the Circuit Court, that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is therefore ordered, adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for payment as the law directs.

State of Tennessee

Vs.

J.C. Brendon, Jr.

Assault and Battery and Disorderly Conduct

MOTION TO RE-TAX COST

In this cause comes the Attorney General for the State and it appearing

to the Court from the Sheriff, upon execution issued to him by the clerk of the court that the defendant is wholly insolvent and unable to pay the cost of this suit or any part thereof

so it is therefore ordered adjudged and decreed by the court that the cost accrued upon the part of the state be allowed and ordered paid out of the County treasury and that the clerk make out and certify same to the county judge for payment as the law directs.

State of Tenn.

Vs.

Harris. Bradly.

Bene, Dry.

Motion to retax Cost.

In this cause comes the Attorney General for the state and it appearing to the court from the sheriff upon execution issued to him by the clerk of the circuit court that the defendant is wholly insolvent and unable to pay the cost of this suit or any part thereof.

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

State Of Tenn.

Vs

Marvin Blackburn

Drunkness

MOTION TO RE-TAX COST

In this cause came the Attorney General for the state and it appearing to the Court from the Sheriff upon execution issued to him by the Clerk of the Circuit Court, that the defendant is wholly insolvent and unable to pay the cost of this suit or any part thereof.

So it is therefore ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for the payment as the law directs.

State of Tenn.

Vs

Joe Hays

Driving Drunk

MOTION TO RE-TAX COST

In this cause came the Attorney General for the State and it appearing to the Court from the Sheriff upon execution issued to him by the Clerk of the Circuit Court, that the defendant is wholly insolvent and unable to pay the cost of this suit or any part thereof.

So it is therefore ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for the Payment as the law directs.

State of Tenn
V. S.
Joe McCrary.

Driving Drunk.

MOTION TO RE-TAX COST

In this cause comes the attorney General for the state and it appearing to the court from the Sheriff upon execution issued to him by the clerk of the circuit court that the defendant is wholly unable to pay the cost of this suit or any part thereof.

so it is therefore ordered and adjudged and decreed by the court that the cost accrued upon the part of the state be allowed and ordered paid out of the county treasury and that the clerk make out and certify same to the county Judge for the payment as the law directed.

State of Tenn)
V. S.)
Jim Miller) Public Drunkenness
MOTION TO RE-TAX COSTS

In this cause comes the attorney General for the State and it appearing to the court from the Sheriff upon execution issued to him by the Clerk of the Circuit Court that the defendant is wholly unable to pay the cost of this suit or any part thereof.

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

State of Tenn)
V.)
Johnnie Jones) Drunkenness

MOTION TO RE-TAX COSTS

In this cause comes the Attorney General for the state and it appearing to the court from the Sheriff upon execution issued to him by the clerk of the Circuit Court that the defendant is wholly unable to pay the cost of this suit or any part thereof.

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

State of Tennessee)
V.)
Alvin Colston) Drunkenness

MOTION TO RE-TAX COSTS

In this case came the Attorney General for the State and it appearing to the court from the Sheriff, upon execution issued to him by the Clerk of this Court that, the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is ordered adjudged and decreed by the Court that, the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for the payment as the law directs.

State of Tennessee)
Vs.)
Browie Ingram) Assault and Battery
MOTION TO RE-TAX COSTS

In this case came the Attorney General for the State and it appearing to the court from the Sheriff, upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for payment as the law directed.

State of Tenn.
Vs
Ham Barnett

B. D.
MOTION TO RE-TAX COST

In this case came the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for payment as the law directs.

State of Tenn.
Vs
Will Valentine. B. D.
MOTION TO RE-TAX COST

In this case came the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for the payment as the law directs.

State of Tenn.
Vs
Mike Burns Driving Drunk
MOTION TO RE-TAX COST

In this case came the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for the payment as the law directs.

State of Tenn.
Vs
Bill Parrott. Drunkenness
MOTION TO RE-TAX COST

In this case came the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for the payment as the law directs.

State of Tenn.
Vs
Richard Parrott Drunkenness
MOTION TO RE-TAX COST

In this case came the Attorney General for the State and it appearing to the Court from the Sheriff upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for the payment as the law directs.

State of Tenn.
Vs
Ray Haygood Wreckless Driving
MOTION TO RE-TAX COST

In this case came the Attorney General for the State and it appearing to the Court from the Sheriff upon execution issued to him by the clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

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

State of Tenn.
Vs
Johnie Smith Gambling by means of Dice.
MOTION TO RE-TAX COST

In this case came the Attorney General for the State and it appearing to the court from the Sheriff, upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for the payment as the law directs.

State of Tenn.
Vs
Roy Buchanan Drunkenness
MOTION TO RE-TAX COST

In this case came the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for the payment as the law directs.

State of Tenn.
Vs
Theodore Spicer B. D.
MOTION TO RE-TAX COST

In this case came the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for the payment as the law directs.

State of Tenn.
Vs
Clyde Mayberry Misdemeanor
MOTION TO RE-TAX COST

In this case came the Attorney General and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

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

State of Tenn.
Vs
Claude Cooper Assault & Beating with a rock also with fist.
MOTION TO RE-TAX COST

In this case came the Attorney General for the State and it appearing to the Court from the Sheriff, upon execution issued to him by the Clerk of this Court that the defendant is wholly insolvent unable to pay the cost of this suit or any part thereof.

So it is ordered adjudged and decreed by the Court that the cost accrued upon the part of the State be allowed, and ordered paid out of the County Treasury and that the Clerk make out and certify same to the County Judge for the payment as the law directs.

Court then adjourned until court in course.

Dwight Ford JUDGE

CAPTION DECEMBER TERM CIRCUIT COURT A. D. 1937

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 13th day of August it being the 2nd Monday of said month, and the One thousand and Nine Hundred and thirty-seventh year of our Lord, and the One Hundred and Sixty-first year of the American Independence. Present and presiding the Hon. Dancy Fort, Judge of the Ninth Judicial District of the State of Tennessee.

Court was in dur form of law by J. C. Westbrooks, Sheriff, of Humphreys County, Tenn., 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 December Term 1937, to appear and serve as jurors at this the present term of court, to-wit: Jim Williams, John Carter, W. H. Harvey, J. H. Smith, Berl Warnemaker, J. W. Townsend, Walter Woods, H. R. Rogers, Will Daniel, J. C. Meacham, ~~Will~~ Lehman, Pleas Kinnons, T. O. Simpson, S. E. Hurt, Bob Balthrop, Bob Rice, W. A. Potter, D. C. Vaden, W. E. Jaslin, Alvie Simpson, Tom Larkins, Bob Ruston, Coy Lofton, Jim Woods, Oscar Sharp, J. A. Johnson, and E. L. Dodd.

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 jurors so summoned the following were selected, as required by law as Grand Jurymen, Jim Williams, Will Daniel, D. C. Vaden, S. E. Hurt, Bob Rice, W. H. Harvey, Jim Woods, Pleas Kinnon, T. O. Simpson, Will Leeman, Bob Ruston, J. C. Meacham and H. R. Rogers having been appointed Foreman of the Grand Jury at his term of the Court, the said Grand Jury is in all things as the law directs having been duly elected, tried, and sworn and charged by the Court according to law, retired to their room in charge of their sworn officer D. C. Bothrop, constible of Humphreys County, sworn according to law to attend them in considering indictments and presentments.

And out of the remainin number of said Jurors so summoned, the following were excused from jury service by the Court, to-wit: J. W. Townsend, H. R. Rogers, Bob Balthrop, W. A. Potter, W. E. Jasline, Alvie Simpson, and Tom Larkins. And the following named persons were summoned by the shiriff of Humphreys County, and qualified as regular juror in the stead of the above named excused jurors, to-wit: Walter Woods, G. G. Garner, D. D. Ross, T. D. Story, Oscar Miller, Barnett Peeler, and J. D. Simpson.

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

 JUDGE

COURT MET PERSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HON. DANCY FOR, JUDGE ETC.

STATE OF TENNESSEE

VS.

Possessing Liquer.

ALBERT HUGHEY

In this case comes the Attorney General for the State and the Defendant, Albert Hughey, in person and by attorney, who being duly charged and arraigned on said presentment pleads guilty.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee: J. H. Smith, Berl Warnemaker, John Carter, Walter Woods, Coy Lofton, G. G. Garner, D. D. Ross, T. D. Story, Oscar Miller, Barnett Peeler, Oscar Sharp, J. D. Simpson, who being duly elected, tried, and sworn according to law, after bearing all the proof, argument of counsel and the charge of the Court, upon their oath do say that they find the defendant, Albert Hughey, guilty of illegally possessing intoxicating liquor as charged in the presentment 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, Albert Hughey, 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 pay or secure same, he will be taken in custody by the Sheriff of Humphreys County and by him confined in the County Jail or work house until the same is paid, secured or worked out.

STATE OF TENNESSEE

VS.

Possessing

L. H. DRUEN

LUCILLE DRUEN

In this cause comes the Attorney General for the State and the defendant in person and by Attorney when upon motion of the Attorney General for the State it is ordered by the Court that said cause be placed on the retired docket.

STATE OF TENNESSEE

VS.

HOUSEBREAKING AND LARCENY

HARRIS PERRY

In this cause comes the Attoreney General for the State and it appearing that the case has been upon the docket and no arrest of the defendant having ever been made it is ordered by the Court that said cause be placed on the retired docket.

STATE OF TENNESSEE

VS.

LARCENY

MALOY MAYS, et als.

In this comes the Attorney General for the State and the defendant, Maloy May, in person and by attorney who being duly charged and arraigned on said indictment pleads guilty.

There upon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: J. H. Smith, Berl Wannemaker, John Carter, Walter Woods, Coy Lofton, G. G. Garner, D. D. Ross, T. D. Story, Oscar Miller, Barnett Peeler, Oscar Sharp, and J. D. Simpson, 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, Maloy Mays guilty and assess and fix his punishment at thirty days in jail.

It is therefore ordered, adjudged and decreed by the Court that for the offense

as found by the Jury, the defendant be confined in the County Jail or a period of thirty days by the Sheriff of Humphreys County, Tennessee and that he pay the cost of this cause for which let execution issue. It is further ordered by the Court that upon the payment of the cost in this cause said thirty day jail sentence be suspended during good behavior.

STATE OF TENNESSEE
VS. Possessing Liquor
W. H. PARKER

In this cause comes the Attorney General for the State and it appearing to the Court that the defendant in the cause has never been apprehended it is ordered by the Court that said cause be placed on the retired docket.

STATE OF TENNESSEE
VS. Tippling.
CHARLIE McGruder

In this cause comes the Attorney General for the State and it appearing to the Court that the defendant in the cause has never been apprehended it is ordered by the Court that said cause be placed on the retired docket.

STATE OF TENNESSEE
VS. Housebreaking and Larceny.
CLINT McClendless, et als

In this cause comes the Attorney General for the State and the defendant in person when upon motion of the Attorney General it is ordered that the order entered in this cause at the last term of the Court be revived.

STATE OF TENNESSEE
VS. Housebreaking and Larceny.
BOYD WHITE

In this cause comes the Attorney-General for the State and the defendant in person and by attorney when upon motion of the Attorney-General it is ordered that said cause be placed upon the retired docket.

STATE OF TENNESSEE
VS. Possessing Liquor
EAKER MARTIN

In this cause comes the Attorney-General for the State and the defendant in person and by Attorney when upon motion by the Attorney-General the order entered in this cause at the August Term, 1937, is ordered to be revived and entered for this term.

STATE OF TENNESSEE
VS. Driving Drunk.
G. E. MILLER

In this cause comes the Attorney-General for the State and the defendant in person and by Attorney when upon motion of the Attorney General it is ordered that said cause be placed on the retired docket.

STATE OF TENNESSEE
VS. Possessing Liquor.
ROBERT FARLEY

In this cause come the Attorney-General for the State and the defendant in person and by Attorney when it is ordered by the Court that the order entered at the August Term, 1937 in this cause be entered and made order for this cause.

STATE OF TENNESSEE
VS. Larceny
HAROLD WEATHERSPOON

This cause coming on to be heard and it appearing to the Court that the defendant has never been apprehended it is the before ordered that an alias capias issued as to him.

STATE OF TENNESSEE
VS. Driving Drunk
BEN INGRAM

In this cause comes the Attorney-General for the State and the defendant in person and by attorney when upon motion of the Attorney-General it is ordered by the Court that this case be placed on the retired docket.

STATE OF TENNESSEE
VS. Driving Drunk
J. C. PARISH

In this cause comes the Attorney-General for the State and the defendant in person and by attorney when upon a motion of the Attorney-General it is ordered by the Court that this case be placed on the retired docket.

STATE OF TENNESSEE
VS. Driving Drunk
F. C. WILLIAMS

In this cause comes the Attorney General for the State and the defendant in person and by attorney when upon a motion of the Attorney-General it is ordered by the Court that this case be placed on the retired docket.

STATE OF TENNESSEE
VS. Driving Drunk.
TOM SPICER

In this cause comes the Attorney-General for the State and the defendant in person and by Attorney when upon a motion of the Attorney-General it is ordered by the Court that this case be placed on the retired docket.

STATE OF TENNESSEE
VS. Trespass
JOHN BERRYMAN

In this cause present for the State the Attorney-General and the defendant in person and by attorney when upon motion of the Attorney-General it is ordered by the Court that the order which was entered at the August Term, 1937 of this Court be entered in this cause at this term.

STATE OF TENNESSEE
VS. Age of Consent
ROBERT DRONEY

In this cause came the Attorney-General for the State and the defendant in person and by attorney and upon motion of the defendant said cause is continued by the Court until the next term of this court.

STATE OF TENNESSEE
VS. Driving Drunk.
JOHN T. BURK

In this cause comes the Attorney-General for the State and the defendant in person and by attorney when upon motion of the attorney-general it is ordered by the Court that this case be placed on the retired docket.