

## SHERIFF'S BOARD BILL FOR BOARDING PRISONERS CHARGED WITH FELONIES.

State of Tennessee vs. Bub Crowell, Larceny, April 22 1941 to May 26, 1941, 35 days at 75¢ per day and two turnkeys .....\$ 28.25

State of Tennessee vs. Joe Brandon, Assault to Murder, April 22, 1941, to May 27, 1941, 36 days and two turnkeys .....\$ 29.00

State of Tennessee vs. Harris Johnson, Larceny, April 23, 1941 to June 27 1941 66 days at 75¢ per day and 2 turnkeys.....\$ 50.50

State of Tennessee vs. Grady Stewart, "assault to Murder, April 26, 1941 to April 26, 1941, 3 days at 75¢ per day and two turnkeys.....\$ 4.25

State of Tennessee vs. Vida Stewart, Assault to murder, April 26, 1941 to April 26, 1941, one day at 75 c per day and two turnkeys.....\$ 2.75

State of Tennessee vs. John Murray, Larceny, April 23, 1941 to May 1, 1941, 9 days at 75¢ per day and two turnkeys.....\$ 8.75

State of Tennessee vs. James F. Carroll, Larceny, May 3, 1941, to May 17, 1941, 15 days at 75¢ per day and two turnkeys.....\$ 13.75

State of Tennessee vs. Thurman Hogan, Larceny, June 7, 1941 to Aug. 19, 1941, 74 days at 75¢ per day and two turnkeys.....\$ 57.50

State of Tennessee vs. Geo Hogan, Larceny, June 7, 1941 to Aug. 19, 1941, 74 days at 75¢ per day and two turnkeys.....\$ 57.50

State of Tennessee vs. Donald Bush, H.B. & Larceny, June 9, 1941 to Aug. 19, 1941, 72 days at 75¢ per day and 2 turnkeys .....\$ 56.00

State of Tennessee vs. Pete Moore, Assault to murder, June 22, 1941 to June 28, 1941, 7 days at 75¢ per day and 2 turnkeys.....\$ 7.25

State of Tennessee vs. Claud Lance, Larceny, June 27, 1941, to Aug 19, 1941, 54 days at 75¢ per day and two turnkeys.....\$ 42.50

State of Tennessee vs. Rogers Green, Larceny, July 22, 1941 to Aug 30, 1941, 42 days at 75¢ per day and .....\$ 31.50

State of Tennessee vs. Thurman Yates, Larceny, July 28, 1941 to Aug 19, 1941, 23 days at 75¢ per day and 2 turnkeys .....\$ 19.25

State of Tennessee vs. Walter Reed, Larceny July 25 to Aug 30, 1941 34 days at 75¢ per day and .....\$ 25.50

State of Tennessee vs. James F. Carroll, Larceny, Aug 13, 1941 to Aug 30, 1941 19 days at 75¢ per day .....\$ 13.50

COURT THEN ADJOURNED UNTIL COURT IN COURSE.

*Dancy Fort* JUDGE.

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

STATE OF TENNESSEE  
HUMPHREYS COUNTY

CAPTION DECEMBER TERM OF CIRCUIT COURT 1941

Be it remembered that a Circuit Court was opened and held in and for the County of Humphreys at the Court House in the Town of Waverly, Tennessee on the 8th day of December 1941, It being the second Monday of said Month, and the One-thousand nine Hundred and forty-first Year of our Lord, and the One Hundred and sixty-sixth year of American Independence. Present and presiding the Hon. Dancy Fort, Judge, of the Ninth Judicial District of the State of Tennessee.

Court was opened in due form of Law by Frank James, Sheriff of Humphreys County Tennessee and by him returned in open Court a writ of Vinire Facias, showing that the following named persons were appointed by the County Court at its October Term 1941, to appear and serve as Jurors at this the present term of Court, to-wit; Colman Collier, James Wannamaker, Ezra Pace, E.S. Forest, Pete Anderson, J.W. Townsend, L.H. Davis, Page Ladd, Elmer Pickard, Stanton Terry, Emmit May, John Tarpy, Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, J.R. King, Jim Jones, J.W. Knight, Arthur Quinn, Edd Stage, Linnel Spann, Allen Blackwell and Edd Mayberry. And out of the Jurors so summoned the following were selected as required by law as Grand Jurors, to-wit; Colman Collier, James Wannamaker, Ezra Pace, E.S. Forest, Pete Anderson, J.W. Townsend, L.H. Davis, Page Ladd, Elmer Pickard, Stanton Terry, Emmit May, and John Tarpy and R.H. McKeel having appointed Foreman of the Grand Jury at a former Term of this Court, the said Grand Jury is in all things as the law directs having been duly elected, tried and sworn according to law, retired to their room in charge of their sworn officer, W.V. Lane, a Constable of Humphreys County, sworn according to law to attend them in considering indictments and presentments. And out of the remaining Jurors so summoned the following were excused from jury service by the Court, to-wit; Eddie Stage, Linnel Spann, Allen Blackwell, and Edd Mayberry, and the following 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; Monroe Vaden, Edd Bassell, T.D. Gardner, Orson Fields, A.J. Richardson and P.L. Parker.

MRS ZULA MCKELVY

VS.

CONDEMNATION

OLIVER J. LONG

In this case, upon motion of the Attorney for the Plaintiff, It is ordered that this case be continued until the next term of this Court.

MRS E.T. CROWELL ( )

VS

CONDEMNATION

WILLIAM ANDERSON

In this case, upon motion of the Attorney for the Plaintiff, It is ordered that this case be continued until the next term of this Court.

MASON MERIDETH

VS.

CONDEMNATION

OLIVER J. LONG

In this case upon motion of the Attorney for the Plaintiff, It is ordered that this case be continued until the next term of this court.

MRS ZULA MCKELVY  
VS.  
NEWTON REAGON

CONDEMNATION

In this case, upon motion of the Attorney for the Plaintiff, It is ordered that this case be continued until the next term of this court.

MRS ZULA MCKELVY  
VS.  
JESS ANDERSON

CONDEMNATION

In this case, upon motion of the Attorney for the Plaintiff, It is ordered that this case be continued until the next term of this court.

MRS ZULA MCKELVY  
VS.  
WILLIAM ANDERSON

CONDEMNATION

In this case, upon motion of the Attorney for the Plaintiff, It is ordered that this case be continued until the next term of this Court.

E.L. LEDBETTER  
VS.  
JESS ANDERSON

CONDEMNATION

In this case, upon motion of the Attorney for the Plaintiff, It is ordered that this case be continued until the next term of this Court.

MRS ZULA MCKELVY  
VS.  
PETE MOORE

CONDEMNATION

In this case, upon motion of the Attorney for the Plaintiff, It is ordered that this case be continued until the next term of this court.

A.W. LUCAS  
VS.  
HUMPHREYS COUNTY, TENNESSEE

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

This cause came on to be heard before the Hon. Dancy Fort, Judge, on this the 8th day of December 1941, upon the whole record in the cause, and especially the motion of the Defendant, to strike the cause from the docket for the reason that the cause stood dismissed thirty days after the last term of this Court when plaintiff failed to file his declaration and give further security on his prosecution bond, according to the order heretofore entered in this cause, which motion after due consideration well taken, and the Court directs that the cause be stricken from the docket, and adjudged that same stood dismissed under previous order of the Court thirty days after the entry of the order on this cause at the last term. The Plaintiff will pay the costs of this cause for which execution may issue.

A.W. LUCAS  
VS.  
THE CITY OF WAVERLY, TENNESSEE

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

This cause came on to be heard before the Hon. Dancy Fort, Judge, on this the 8th day of December 1941, upon the whole record in this cause, and especially the motion of the Defendant, to strike the cause from the docket for the reason that the cause

(Continued)

(continued)

stood dismissed thirty days after the last term of this court when the Plaintiff failed to file his declaration and give further security on his prosecution bond, according to the order heretofore entered in this cause, which motion after due consideration well taken, and the Court directs that the cause be stricken from the Docket, and adjudged that same stood dismissed under previous order of the Court thirty days after the entry of the order in this cause at the last term. The Plaintiff will pay the costs of this cause for which execution may issue.

J.C. THOMAS

VS.

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

HENRY INGRAM  
MAGGIE INGRAM

This cause came on to be heard before the Hon. Dancy Fort, Judge, on this the 8th day of December 1941, upon the whole record in the cause and especially the motion of plaintiff, J.C. Thomas, and his assignee, J.L. Carroll, to whom the judgment has been assigned for fiat directing issuance of a scire facias directing the said Defendant to show cause why the judgment in the above styled case entered against them on the 19th day of December 1931 for the sum of \$77.09, with interest from date, in the amount of \$46.25, making a total of \$123.34, should not be revised, and execution or other proper process issue against them.

And upon due consideration thereof by the Court, it is ordered that Scire Facias issue at the instance of the said J.L. Carroll, Assignee, and be served upon the said Defendants, Henry Ingram and Maggie Ingram requiring them to appear and show cause at the next term of this court why said judgment should not be revised and execution issued, or other process issued.

And it appearing to the Court further that on the 19th day of December 1931 condemnations proceedings was had in this cause, and lands described in said judgment were condemned and ordered sold by the sheriff of Humphreys County Tennessee or other lawful officer in said State and County, which judgment appears of record in this Court in minute book 17, page 579-80, and that same has been unexecuted; and upon motion of the said J.L. Carroll, Assignee, said judgment and orders is hereby revived in all things and ordered to be executed. All other matters are reserved.

J.C. THOMAS

VS.

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

HENRY INGRAM  
MAGGIE INGRAM

This cause on to be heard before the Hon. Dancy Fort, Judge on this the 8th day of December 1941, upon the whole record in the cause, and especially the motion of plaintiff for an order reviving an order of sale heretofore entered in this cause in minute book 17, page 579-80, and upon due consideration thereof said order of sale is in all things revived, according to the terms thereof; and further upon motion of plaintiff, it is ordered that scire facias issue and be served upon the Defendant directing them to appear and show cause at the next term of this Court why the judgment entered in this cause on December 19th 1931 should not be renewed and revived and extended, as provided by law, and why execution should not issue for any balance that may remain after the sale of the interests in said lands directed to be sold under the orders of this court. All other matters are reserved.

ETTA STEWART  
VS.  
COCA COLA BOTTLING WORKS

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

This cause, by agreement of parties is continued to the next term of this Court.

MONROE BUTLER  
VS.  
HENRY A. RICHESON AND  
TENNESSEE VALLEY AUTHORITY

IN THE CIRCUIT COURT OF HUMPHREYS COUNTY, TENNESSEE

ORDER FOR REMOVAL

The defendant, Henry A. Richeson and Tennessee Valley Authority, having within the time provided by law filed their petition for the removal of this cause to the District Court of the United States for the Middle District of Tennessee, Nashville Division, and having at the same time filed a bond in the sum of Five Hundred Dollars (\$500.00) pursuant to statute, and it appearing to the court that notice required by law of the filing of said bond and petition had, prior to the filing thereof, been served upon the plaintiff herein, which notice the Court finds is sufficient and in accordance with the requirements of law;

NOW, THEREFORE, this court does accept and approve said bond and, after fully considering the petition herein, does hereby grant said petition and does order that this cause be removed to the District Court of the United States for the Middle District of Tennessee, Nashville, Division, and that all proceedings in this Court be stayed, and the Clerk is hereby directed to make up the record in said cause for transmission to said district court and to transmit said record to said court within thirty (30) days from the date of the filing of this petition.

Done this 28 day of November, 1934.

Dancy Fort, Judge  
Dancy Fort, Judge  
Circuit Court of Humphreys Co.  
Tennessee

COURT THEN ADJOURNED UNTIL TOMORROW MORNING AT 9:00 O'CLOCK

Dancy Fort JUDGE

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HON. DANCY FORT, JUDGE  
STATE OF TENNESSEE  
VS. ASSAULT AND BATTERY  
B.W. INGRAM

In this case came the Attorney-General for the State and the Defendant in person and by Attorney, and upon motion it is ordered that a former order, heretofore entered be revived.

STATE OF TENNESSEE  
VS. LARCENY  
JAMES COLLIER

In this case came the Attorney-General for the State and it appearing to the Court that the Defendant has not been apprehended, it is therefore ordered, adjudged and decreed that this case be continued until the next term of this court and that an alias Capias issue for the Defendant.

STATE OF TENNESSEE  
VS. DISPOSING OF MORTGAGED PROPERTY  
O.B. WHITSON

In this case came the Attorney-General for the State and the Defendant by Attorney, and upon sufficient proof, due to the illness of the Defendant, it is ordered that this case be continued until the next term of this Court.

STATE OF TENNESSEE  
VS. ASSAULT WITH INTENT TO COMMIT MURDER IN THE FIRST DEGREE  
THOMAS FORESTER

In this case came the Attorney-General for the State and it appearing to the Court that the Defendant has not been apprehended, when upon motion it is ordered that this case be placed on the retired Docket, *see order*

STATE OF TENNESSEE  
VS. ASSAULT WITH INTENT TO COMMIT MURDER IN THE FIRST DEGREE  
DILLIE MCGRUDER

In this case came the Attorney-General for the State and it appearing to the Court the Defendant has not been apprehended, it is therefore ordered, adjudged and decreed that this case be continued until the next term of this court and that an alias Capias issue for the Defendant.

STATE OF TENNESSEE  
VS. PERJURY  
E.F. DUNAGAN

In this case came 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 that a verdict of not guilty be entered in this cause.



STATE OF TENNESSEE

VS.

ASSAULT AND BATTERY

ROY HUGHEY

In this case came the Attorney-General for the State and the Defendant by Attorney, and it appearing to the Court that the Defendant is in prison, and upon motion it is ordered that a former order heretofore, entered be revived,

STATE OF TENNESSEE

VS.

DRIVING DRUNK

ROY HUGHEY

In this case came the Attorney-General for the State and the Defendant by Attorney, and it appearing to the Court that the Defendant is in prison, and upon motion it is ordered that a former order, heretofore entered be revived.

STATE OF TENNESSEE

VS.

LEWDNESS

CHARLIE BROWN  
NORA TURNER

In this case came the Attorney-General for the State and the defendants in person and by attorneys, 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: Allen Buchanan, Orson Fields, R.L. Mullinix, Arthur Guinn, T.D. Garber, Jim Jones, A.J. Richeson, G.W. Durham, Grover Bass, Loyd Baker, J.W. Knight, and J.P. King, who being duly elected, tried and sworn according to law, after hearing all of the proof, argument of the council, and charge of the Court upon their oath do say that they find the defendants guilty as charged in the indictment and assess and fix their punishment at six months in the County Jail of Humphreys County, Tennessee.

It is therefore ordered, adjudged and decreed by the court for the offense as found by the jury, that the defendants be confined in the County Jail of Humphreys County, Tennessee for a period of six months and that they pay the cost of this case for which execution will issue. And further it is ordered that upon payment of the cost that said jail sentence be suspended during good behavior.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

W.E. CLEMENTS

In this case came the Attorney-General for the State and then Defendant by Attorney, and it appearing that the Defendant is in the Army, and upon motion of the Attorney-General for the State it is ordered that this case be placed on the retired Docket for further orders.

STATE OF TENNESSEE

VS.

SCI FA.

W.E. CLEMENTS

In this case came the attorney -General for the State and the Defendant by Attorney, and it appearing to the Court that the defendant is in the Army. It is therefore ordered by the Court that said sci fa be set aside.

STATE OF TENNESSEE

VS.

LARCENY OF TIMBER

MAUD HIGMAN

In this case came the Attorney-General for the State and the Defendant in person and by attorney, and upon motion of the Attorney-General for the State it is ordered that a nolle prosequi be entered in this case.

STATE OF TENNESSEE

VS.

AGE OF CONSENT

WOODROE MILLER

In this case came the Attorney-General for the State and the Defendant in person and by Attorney, when upon motion, on account of parties being married, it is ordered that this case be continued until the next term of this court.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

ELMER D. LARKINS

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

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, J.P. King, Jim Jones, J.W. Knight, Arthur Guinn, Monroe Vaden, Edd Hassell, and T.D. Garber, who, being duly elected, tried and sworn according to law, after hearing all of the proof, argument of the Council and charge of the Court, do say, upon their oath that they find the defendant guilty as charged in the indictment.

It is therefore ordered, adjudged and decreed, for the offense as found by the jury the defendant pay or secure a fine of \$10.00 and the Cost of this suit for which let execution issue. It is further ordered adjudged and decreed by the Court that the defendant serve 60 days in the county Jail of Humphreys County, Tennessee, however this jail sentence is suspended during good behavior, and further that he be deprived of driving a motor driven vehicle for five months and twenty-nine days.

STATE OF TENNESSEE

VS.

BONE DRY

ELMER D. LARKINS

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

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, J.P. King, Jim Jones, J.W. Knight, Arthur Guinn, Monroe Vaden, Edd Hassell, and T.D. Garber, who being duly elected, tried and sworn according to law, after hearing all of the proof, argument of Council and Charge of the Court, upon their oath do say they find the defendant guilty as charged in the indictment.

It is therefore ordered, adjudged and decreed by the Court that for the offense as found by the jury, that the defendant pay or secure a fine of \$25.00 and the cost of this suit for which let execution issue.



STATE OF TENNESSEE

VS.

ASSAULT AND BATTERY

VIDA STEWART

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 indictment pleads guilty.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, J.B. King, Jim Jones, J.W. Knight, Arthur Guinn, Monroe Vaden, Edd Hassell, T.D. Garber, who being duly elected, tried and sworn according to law, after hearing all of the proof, argument of Council and charge of the Court, do say that they find the Defendant guilty as charged in the indictment.

It is therefore ordered, adjudged and decreed by the Court for the offense as found by the jury that the defendant pay or secure a fine of \$10.00 and the cost of this cause for which let execution issue.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

JAMES D. MARTIN

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 indictment pleads guilty.

Thereupon to try the issue joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, J.B. King, Jim Jones, J.W. Knight, Arthur Guinn, Monroe Vaden, Edd Hassell, and T.D. Garber, who, being duly elected, tried and sworn according to law, after hearing all of the proof, argument of the Council and charge of the Court, upon their oath do say that they find the defendant guilty as charged in the indictment.

It is therefore ordered, adjudged and decreed by the Court for the offense as found by the jury that the defendant pay or secure a fine of \$10.00 and the cost of this suit for which let execution issue. It is further ordered by the Court that the defendant serve 30 days in the County Jail of Humphreys County, Tennessee, however this jail sentence is suspended during good behavior, and further that the defendant be deprived of driving a motor vehicle five months and twenty-nine days.

STATE OF TENNESSEE

VS.

RECKLESS DRIVING

MAMIE FOWLES

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

Thereupon, to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, J.B. King, Jim Jones, J.W. Knight, Arthur Guinn, Monroe Vaden, Edd Hassell and T.D. Garber, who being duly elected, tried and sworn according to law, and after hearing all of the proof, argument of council and charge of the court, upon their oath do say that they find the defendant guilty as charged in the indictment.

It is therefore ordered adjudged and decreed by the Court for the offense as found by the jury that the defendant pay a fine of \$10.00 and the cost of this suit for

which execution may issue.

STATE OF TENNESSEE

VS.

BONE DRY

HERSHELL GOODRICH

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

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, J.B. King, Jim Jones, J.W. Knight, Arthur Guinn, Monroe Vaden, Edd Hassell, and T.D. Garber, who being duly elected, tried and sworn according to law, and after hearing all of the proof, argument of council and charge of the Court do say that they find the Defendant guilty as charged in the indictment.

It is therefore ordered, adjudged and decreed by the court that for the offense as found by the jury that the defendant pay or secure a fine of \$25.00 and the cost of this suit for which let execution issue.

STATE OF TENNESSEE

VS.

TIPPLING

JAMES BARNES

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

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, J.B. King, Jim Jones, J.W. Knight, Arthur Guinn, Monroe Vaden, Edd Hassell, T.D. Garber, who being duly elected, tried and sworn according to law, after hearing all of the proof, argument of the Council and charge of the Court, upon their oath do say that they find the defendant guilty as charged in the indictment.

It is therefore ordered, adjudged and decreed by the Court that for the offense as found by the jury that the Defendant pay or secure a fine of \$25.00 and that cost of this suit for which let execution issue.

STATE OF TENNESSEE

VS.

BONE DRY

W.Y. RAINEY

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

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, J.B. King, Jim Jones, J.W. Knight, Arthur Guinn, Monroe Vaden, Edd Hassell, and T.D. Garber, who being duly elected, tried and sworn according to law after hearing all of the proof, argument of the Council and charge of the Court, upon their oath do say that they find the defendant guilty as charged in the indictment.

It is therefore ordered, adjudged and decreed by the Court that for the offense as found by the jury that the defendant pay or secure a fine of \$25.00 and the cost of this suit for which let execution issue.

STATE OF TENNESSEE

VS.

DRIVING DRUNK JACK

ERNEST BULLINGTON

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

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, J.P. King, Jim Jones, J.W. Knight, Arthur Guinn, Monroe Vaden, Edd Hassell, and T.D. Garber, who being duly elected tried and sworn according to law after hearing all of the proof, argument of the Council and charge of the Court upon their oath do say that they find the defendant guilty as charged in the indictment.

It is therefore ordered adjudged, and decreed by the Court that for the offense as found by the jury that the Defendant pay or secure a fine of \$10.00 and the cost of this suit for which let execution issue.

STATE OF TENNESSEE

VS.

BONE DRW

HERSHELL GOODRICH

In this case came the Attorney-General for the State and the Defendant in person and by Attorney, and upon motion of the Attorney-General for the State, it is ordered that a nolle prosequi be entered in this cause.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

JOHNNIE STANFORD

In this case came the Attorney-General for the State and the Defendant and person and by Attorney, when upon defendant's agreement to plead guilty at the next term, it is ordered that this case be continued until the next term of this court.

STATE OF TENNESSEE

VS.

ATTACHMENT

GLINE FLOWERS  
LUKE FLOWERS  
ROBERT FLOWERS

In this case came the Attorney-General for the State and the defendants in person, when upon motion, it is ordered that the said defendants be dismissed.

STATE OF TENNESSEE

VS.

ASSAULT WITH A KNIFE

LEONARD FENTRESS

In this case the Grand Jury returned an indictment marked "Not a True Bill". It is therefore ordered that the defendant be dismissed and go hence without day.

COURT THEN ADJOURNED UNTIL TOMORROW MORNING AT NINE O'CLOCK

Dancy Fort JUDGE

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

STATE OF TENNESSEE

VS.

ASSAULT AND BATTERY

JOHN SMITH

In this case the Grand Jury returned an indictment marked "Not a True Bill". It is therefore ordered that the defendant be dismissed and go hence without day.

STATE OF TENNESSEE

VS.

LARCENY

WILL STORY

In this case the Grand Jury returned an indictment marked "Not a True Bill". It is therefore ordered that he be dismissed and go hence without day.

STATE OF TENNESSEE

VS.

GOING ARMED

CECIL DIVINIE

In this case comes the Attorney-General for the State and the Defendant, Cecil Divinie being solemnly called to come into open Court as he was required to do to answer the State of Tennessee on an indictment pending here for Going Armed, according to the terms of his bond, came not but made default and his bondsmen, B.V. Divinie and Joe Wright being solemnly called to come into open Court and bring with them the body of Cecil Divinie, came not but made default.

It is therefore ordered by the Court that the State of Tennessee have and recover of Cecil Divinie and his securities, in the sum of \$200.00 in accordance with the terms of his bond, unless they show good cause to the contrary and that an alias issue for Cecil Divinie.

STATE OF TENNESSEE

VS.

SCI FA

JAMES D. MARTIN

In this case came the Attorney-General for the State and the Defendant in person and by Attorney, and it appearing to the Court that a conditional Forfeiture was entered at the former term of this court, upon motion and good cause shown, it is ordered that said Forfeiture be set aside on payment of the cost.

STATE OF TENNESSEE

VS.

LARCENY OF GASOLINE

LEROY FRAZIER  
THOMAS BELL

In this case came the Attorney-General for the State and it appearing to the court that the Defendant Bell is sick, and upon motion it is ordered that this cause be continued until the next term of this court.

COURT THEN ADJOURNED UNTIL TOMORROW MORNING AT NINE O'CLOCK

Dancy Fort JUDGE

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

STATE OF TENNESSEE

VS.

ASSAULT WITH INTENT TO COMMIT MURDER IN FIRST DEGREE

FLOYD SMITH

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

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: A.J. Richeson, Loyd Baker, Alvie Simpson, Ted Pruett, Will Buie, Jim Jones, Roy Tate, R.L. Mullinix, Arthur Guinn, Orson Fields, Charlie Crafton, and Will Latimore, who being duly elected, tried and sworn according to law and being in charge of their sworn officers, D.O. Lee and J.C. Thomas, who had been previously been sworn to attend them, after hearing all of the proof, argument of Council and charge of the Court, upon their oath do say that they find the defendant guilty as charged in the indictment and assess and fix his punishment at thirty (30) days in the County Jail of Humphreys County, Tennessee.

It is therefore ordered, adjudged and decreed by the Court that for the offense as found by the jury that the defendant be confined in the County Jail of Humphreys County, Tennessee, for a period of thirty ~~2~~ (30) days and that he pay the cost of this cause.

STATE OF TENNESSEE

vs.

ASSAULT WITH INTENT TO COMMIT MURDER IN FIRST DEGREE

PETE MOORE-Ed.

In this case came the Attorney-General for the State and the Defendant in person and by Attorney, when upon motion, It is ordered that a verdict of Not Guilty be entered in this cause, that the defendant be dismissed and go hence without day.

LAVERNE SCUPLOCK

vs.

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

CECIL SCURLOCK

By consent of the Parties all questions of property settlement having been reached by compromise agreement, to answer of the Defendant is withdrawn and the case may proceed to trial ~~ex parte~~.

LAVERNE SCORNEY

vs.

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

CECIL SCURLOCK

ORDER PRO CONFESSO

This cause came on for hearing before the Hon Dancy Fort, Judge, motion of the Complainant for an order proconfesso and it appearing that the Defendant has been served with process by publication requiring him to appear and defend the suit filed against him and that said service has been completed within the time required by law, and that Defendant in his respect is in default, it is ordered, adjudged and decreed that the bill be taken for confessed and that the cause be set for hearing ex parte.

LAVERNE SCURLOCK

vs.

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

CECIL SCURLOCK

FINAL DECREE

This cause was heard on this the 11th day of December, 1941 before the Hon. Dancy Fort, Judge, upon the proceedings already had including the orders pro confesso and upon the testimony of witnesses in open court, whereupon the Court considers that the Defendant has abandoned the complainant and has refused and neglected to provide for her and for the children of the marriage as alleged in the bill.

It is therefore ordered, adjudged and decreed that the bonds of matrimony now subsisting between the complainant and Defendant be forever dissolved and that the Complainant be restored to all the privileges of an un married person.

That the Complainant shall the exclusive custody of the minor children.

The fund of \$41.67 which were attached and are in the hands of the clerk will be paid to him by the Complainant.

THIS DAY THE GRAND JURY CAME INTO OPEN COURT IN ABO DY AND PRESENTED THE FOLLOWING  
PRESENTMENTS AND INDICTMENTS TO-WT:

One against Harrold Scott, Bone dry, Subpoena for the State, Frank Wells, Junius Carroll  
Ade Harris, Frank James, Harry Bolerack and Trahve Lewis.

[illegible]

One against Eugene Buchanan, Driving Drunk, Subpoena for the State; Walter Woods, Frank Wall, Thomas Walker, and Frank James.

One against Geo W. Dick, Driving Drunk, Subneona for the State, Trabue Lewis, Harry Bolerjack, and Frank Wells.

One against Lum Bagwell, Bohe Fry, Subpoena for the State, DiO.Lee, Trabue Lewis,  
Clifford Greer, C.B.Odum, R.P.Work, and Charles Potts.

One against Pack May, Going Armed, Subpeona for the State, Jim Hicks, J.W.Martin, Jac Powers, Buster Berryman, Pete Berryman, Pauline Owens.

One against James Jones, Wreckless Driving, Subpoena for the State, Clay Mills, B.C. Wilcox. Tom Meado. J.B. Webb. and Bill Anderson.

One against E.J.O'Guinn Jr. Nuisance, Subpoena for the State T.D.Story Frank James,  
H.E.Bullard. Walter Woods. W.T.Carroll. Frank Wells and Trent Westbrook.

One Against Junior Oguinn, Larceny, T. D Story, Pros, which indictment is in words and

Figures as follows to-wit,

State of Tennessee, Humphreys County, December Term Circuit Court, A.D. 1941.

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 the State Aforesaid, upon their oath aforesaid, present that Junior O'Guinn, heretofore, towit, on the --- day of October 1941, in said county and State, unlawfully and feloniously did conceal and procure Bill Binkley and J.D.Forester to take, steal, and carry away three cases of whiskey of the value of sixty dollars, the property of Bert Runions, so the Grand Jury aforesaid upon their oath aforesaid present that the Junior O'Guinn on the day and year aforesaid, in the State and County aforesaid unlawfully and feloniously was an accessory before the fact to the taking, stealing and carrying away by Bill Binkley and J.D.Forester of three cases of Whiskey of the value of Sixty dollars and the property of Bert Runions contrary to the statute and against the peace and dignity of the state of Tennessee.

( continued )

W.C.Bowall, Attorney General



(continued)

December Term, 1941, The State Vs. Junior O'Guinn accessory before fact to felony, T.D. Story Pros, Subpoena for the State, T.D. Story, Frank Wells, Bill Binkley Claud Crowell, J.D. Forester, Bill Black, T.R. Westbrook, Frank James, and Bert Runions, Witnesses sworn by me on this indictment before the Grand Jury December Ter. 1941.

R.H. McKeel, Forman Grand Jury  
W.C. Howell, Attorney-General

A True Bill R.H. McKeel, Forman Grand Jury

One Against Jess Buchanan, House breaking and Larceny, T.D. Story, Pros, which indictment is in words and figures as follows to wit,;  
State of Tennessee Humphreys County, December Term of Circuit Court, A.D. 1941.

The Grand Jurors for the State of Tennessee, elected, empaneled, sworn and charged to inquire for the Body of the County of Humphreys and State aforesaid upon their oath aforesaid, present that Jess Buchanan, heretofore, to wit, on the 4th day of October 1941, in the county aforesaid unlawfully and feloniously did steal, take and carry away two and one half pints whiskey of the value of three Dollars, the property of Bert Runions of said County, then and there being found, contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Tennessee.

W.C. Howell, Atty, General

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present that the said Jess Buchanan of said County, on the day and year aforesaid, in the County aforesaid, unlawfully and feloniously did receive, buy, conceal, and aid in concealing two and one half pints whiskey of the value of three Dollars, the property of Bert Runions of said County, before then feloniously stolen, taken and carried away by some one to the Grand Jury unknown, he the said Jess Buchanan then and there knowing the said whiskey aforesaid to have been feloniously stolen, taken and carried away, and he the said Jess Buchanan intending then and there fraudulently to deprive the owner thereof, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Tennessee.

W.C. Howell, Attorney-General

December Term 1941, The State Vs. Jess Buchanan, Larceny, T.D. Story, Prosecutor, Subpoena for the State; T.D. Story, Bill Binkley, T.R. Westbrook, Bill Black Frank James, Bert Runions, Claud Crowell, Frank Wells J.D. Forester, David Edney.  
Witnesses sworn by me on this indictment before the Grand Jury, December Term 1941.

R.H. McKeel, Forman Grand Jury  
W.C. Howell, Attorney-General

A true Bill, R.H. McKeel, Forman Grand Jury.

One against Martin J. Kidwell, Larceny, Trabue Lewis, Pros, which indictment is in words and figures as follows;

State of Tennessee, Humphreys County, December Term of Circuit Court, A.D. 1941.

The Grand Jurors for the State of Tennessee, elected, empaneled, sworn and charged to inquire for the body of the County of Humphreys and the State aforesaid, upon their oath aforesaid, present that Martin J. Kidwell heretofore, to wit, on the 29th day of October 1941, in the County aforesaid, unlawfully and feloniously did steal, take and carry away One bicycle of the value of twenty-five Dollars, the property of Frank Lockhart of said County, then and there being found contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Tennessee.

(Continued)

W.C. Howell, Atty Gen

(continued)

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present that the said Martin J. Kidwell, of said County, on the day and year aforesaid, unlawfully and feloniously did receive, buy, conceal, and aid in concealing one bicycle of the value of twenty-five Dollars, the property of Frank Lockhart of said County, before then feloniously stolen, taken and carried away by some one to the Grand Jury unknown he the said Martin J. Kidwell then and there knowing the said property aforesaid to have been feloniously stolen, taken, and carried away, and he the said Martin J. Kidwell intending then and there fraudulently to deprive the owner thereof, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Tennessee.

W.C. Howell, Attorney-General

December Term, 1941, The State Vs. Martin J. Kidwell, Larceny, Trabue Lewis, Pros, Subpoena for the State; Trabue Lewis, Harry Soterjack, Frank Lockhart, Esq. J.M. Reeves. Witnesses sworn by me on this indictment before the Grand Jury December Term 1941.

R.H. McKeel, Forman Grand Jury  
W.C. Howell, Attorney-General

A True Bill, R.H. McKeel, Forman Grand Jury.

One against Harold Stewart, Larceny, W.H. Jones, Pros, which indictment is in words and figures as follows.

State of Tennessee, Humphreys County, December Term of Circuit Court, A.D. 1941.

The Grand Jurors for the State of Tennessee, elected, empaneled, sworn and charged to inquire for the body of the county of Humphreys and State aforesaid, upon their oath aforesaid, present that Harold Stewart of said County, heretofore, to wit, on the 27th day of July 1941, in the County aforesaid, unlawfully and feloniously did steal, take and carry away five Dollars and eighty cents, good and lawful money of the United States of the Value of Five and 80/100 Dollars, the property of W.H. Jones of said County, then and there being found, contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Tennessee.

W.C. Howell, Attorney-General

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present that the said Harold Stewart of said County, on the day and year aforesaid, in the County aforesaid, unlawfully and feloniously did receive, buy, conceal, and aid in concealing five Dollars and eighty cents good and lawful money of the United States of the value of five and 80/100 Dollars, the property of W.H. Jones of said County, before then feloniously stolen taken and carried away by some one, to the Grand Jury unknown he the said Harold Stewart then and there knowing the said property aforesaid to have been feloniously stolen, taken and carried away, and he the said Harold Stewart intending then and there fraudulently to deprive the owner thereof, contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Tennessee.

December Term 1941, The State Vs. Harold Stewart, Larceny, W.H. Jones, Pros, subpoena for the State; W.H. Jones, Walter Wheeler, Andy Wheeler, Elvis Jones, Calvin Rice. Witnesses sworn by me on this indictment before the Grand Jury December Term, 1941.

R.H. McKeel, Forman Grand Jury.  
W.C. Howell, Attorney General.

A True Bill R.H. McKeel, Forman Grand Jury

STATE OF TENNESSEE

VS.

BONE DRY

HARROLD SCOTT

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

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit; Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, J.B. King, Jim Jones, J.W. Knight, Arthur Guinn, Monroe Vaden, Edd Hassell, T.D. Garber,, who, being duly elected, tried and sworn according to law, after hearing all of the proof, argument of council and charge of the court upon their oath do say that they find the defendant guilty as charged in the indictment. and It is therefore ordered, adjudged and decreed by the Court that for the offense as found by the jury that the Defendant pay or secure a fine of \$25.00 and the cost of this cause for which let execution issue. It is further ordered that he be given credit for time spent in jail.

STATE OF TENNESSEE

VS.

LARCENY

MARTIN J. KIDWELL

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

It is therefore ordered, adjudged, and decreed by the Court that the defendant be released on payment of the cost. and further that he be given credit for time in jail.

STATE OF TENNESSEE

VS.

LARCENY

AMOS EWING

In this case came the Attorney-General for the State and the Defendant in person and by Attorney, upon motion, It is ordered that this case be continued until the next term of this court.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

EUGENE BUCHANAN

In this case came the Attorney-General for the State and the Defendant in person and by Attorney, when upon motion of the Defendant, It is ordered that this case be continued until the next term of this court.

MRS MARY HALL RUMSEY

VS.

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

N.C. &amp; ST. L. RAILWAY, ET AL

In this case came the Plaintiff Mary Hall Rumsey and moves the Court to be permitted to amend the summons in this cause by adding as a Defendant Henry Smith, adm. of the estate of Sugg Smith, Dec. which motion the Court is pleased to allow and it is ordered that the summon be so amended as to include the name of Henry Smith, adm. of the estate of Sugg Smith, Dec. and make him a party defendant to this cause.

This December 10, 1941.

Judge.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

GEO. W. DICK

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

Thereupon to try the issue joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit, Walter Harris, Grover Bass, Loyd Baker, G.W. Durham, John Fields, W.B. King, Jim Jones, J.W. Knight, Arthur Guinn, Monroe Vaden, Edd Hassell, and T.D. Garber, who being duly elected, tried and sworn according to law and, after hearing all of the proof, argument of council and charge of the Court, upon their oath do say that they find the Defendant guilty as charged in the indictment.

It is therefore ordered adjudged and decreed by the Court that for the offense as found by the jury that the defendant serve thirty days in the county jail of Humphreys County, Tennessee, and that he pay the cost of this cause for which let execution issue, and further that said sentence be suspended upon good behavior and that he be deprived of driving a motor vehicle for five months and twenty-nine days.

STATE OF TENNESSEE

VS.

LARCENY

HARROLD STEWART

In this case came the Attorney General for the State and the Defendant in person and by Attorney, when upon motion it is ordered that this case be continued until the next term.

STATE OF TENNESSEE

VS.

RECKLESS DRIVING

JAMES BANES

In this case came the Attorney General for the State and the Defendant in person and by Attorney, who being duly charged and arraigned on said indictment pleads guilty. It is therefore ordered adjudged and decreed that for the offense as plead guilty, that the defendant pay or secure a fine of twenty-five Dollars and the Cost of this cause for which let execution issue.

STATE OF TENNESSEE

VS.

GOING ARMED

PAACK MAY

In this case came the Attorney-General for the State and the Defendant by Attorney when upon motion, It is ordered that this case be continued until the next term of this court.

STATE OF TENNESSEE

VS.

HOUSE BREAKING AND LARCENY

JESS BUCHANAN

In this case came the Attorney-General for the State and the Defendant in person and by Attorney, when upon motion It is ordered that this case be continued until the next term of this court.

STATE OF TENNESSEE

VS.

B.D.

C.C. (LUM) BAGWELL

This case is ordered continued until the next term of this court.

STATE OF TENNESSEE

VS.

LARCENY

JUNIOR O'GUINN

In this case came the Attorney General for the State and the Defendant in person and by Attorney, when upon motion it is ordered that this case be continued until the next term of this court.

REPORT OF GRAND JURY

We the Members of the Grand Jury for the December Term of 1941, of the Circuit Court for Humphreys County, Tennessee, 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 by your Honor or otherwise brought to our knowledge.

We have examined the County Jail and county poor House and find the inmates well fed and cared for. At the County Poor House some minor repairs are needed and we suggest that the proper authorities have this building looked over with a view of determining small repairs for the comfort of the inmates. One of the inmates of the Poor House has an unsanitary condition in his room which is probably the result of his own conduct and refusal to observe the request of the house keeper.

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 thereof. and having completed our labors for the term we ask to be finally discharged.

Respectfully submitted, this December 11, 1941. R.H. McKeel, Foreman Grand Jury.  
T.S. Terry, J.M. Tarpy, Ezra Pace, Elmer Pickard, R.H. Anderson, Page Ladd, C.S. Foreest,  
W.C. Collier, J.B. Wannamaker, Emmit May, and L.H. Davis.

SHERIFF'S BOARD BILL FOR BOARDING PRISONERS CHARGED WITH FELONIES

State of Tennessee vs. Robert Green, Larceny, from aug. 31, 1941 to sept 9, 10 days at 75¢ per day and 2 turn keys.....	\$0.50
State of Tennessee Vs. Walter Reed, Larceny, From Aug 31, to Dec. 30, 122 days at 75¢ per day and two turnkeys.....	91.50
State of Tennessee vs. James F. Carroll, Larceny, from aug 31 to oct. 8, 39 days at 75¢ per day and two turn keys.....	31.25
State of Tennessee vs. Amos Ewing, Larceny, from oct 4 to Oct 9, 6 days at 75¢ per day and two turn keys.....	6.50
State of Tennessee vs. Jess Buchanan, Larceny from Oct. 4 1941 to Oct 10, 1941, seven days at 75¢ per day and 2 turn keys.....	7.25
State of Tennessee vs. J. Forester, from october 4, 1941 to Oct 5, 1941, one day at 75¢ per day and two turn keys.....	3.50
State of Tennessee vs. Bill Binkley, Larceny, Oct. 4 1941 to Oct, 5, 1941 one day 75¢ per day and two turn keys.....	3.50
State of Tennessee vs Martin J. Kidwell, Larceny, from Oct. 29, 1941 to Oct. 2, 1941 42 days at 75¢ per day and two turnkeys.....	33.50
State of Tennessee vs. Harrold Stewart Larceny Dec. 17 to Dec 18, 1941, one Day at 75¢ per day and two turnkeys.....	3.50
State of Tennessee vs Floyd Smith, Assault to murder, from December 10, to December 30, 1941 twenty-one days at 75¢ per day.....	15.75

STATE OF TENNESSEE

VS.

NEUSANCE

E.L. O'GUINN

In this case came the Attorney-General for the State and the Defendant in person and by Attorney, when upon motion it is ordered that this case be continued until the next term of this court.

STATE OF TENNESSEE

VS.

SCIFA

LEROY FRAZIER  
THOMAS BELL

In this case came the Attorney-General for the State and upon motion, It is ordered that this case be continued until the next term of this Court.

COURT THEN ADJOURNED UNTIL THE 15th DAY OF DECEMBER 1941

JUDGE



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

A.L. ROSS

VS.

DAMAGE

N.C. &amp; S.T. LOUIS R.R.

This cause came on to be heard before the Hon. Dancy Fort, Judge, and upon consent of parties, It is ordered that this case be continued until the next term of this court.

MARY HALL RUMSY

VS.

DAMAGE

N.C. &amp; ST. LOUIS R.R.

This cause came on to be heard on this the 15th day of December, 1941 before the Hon. Dancy Fort, Judge, The cause having been set especially for said date, when it appearing to the court that the Plaintiff had caused a new party, Henry Smith, Adm. to be made a party Defendant on the 10th day of December, 1941 and had filed an amended declaration on the 13th day of December, 1941 and on the morning of December 15th, 1941, had filed an amended to the original declaration and also a third count to the original declaration, making it impossible for the Defendants, Henry Smith, admr. and the N.C. & St Louis R.R. to go to trial because of the new matters brought into the case by the new pleadings, the cause is continued to the next term of this court, and set for hearing on the first day thereof, the third Monday in April 1942, and the plaintiff will pay the cost of the continuance, and incident thereto.

MRS CLARA LEWIS

VS.

DIVORCE

JIM LEWIS.

In this cause the complainant moved the Court for a judgment pro-confesso against the Defendant, JIM Lewis, on this the 15th day of December, 1941 and it fully appearing to the Court that the Said Jim Lewis is duly in Court by publication, requiring him to appear him to appear and defend at the December Term of Court, 1941, and that he failed to make any defense to complainant's bill as required, it is ordered by the Court that said bill be taken as confessed as to the defendant, and thence set for hearing ex-parte.

This cause came on to further and finally heard this, December, 15th 1941, before the Hon. Dancy Fort, upon the bill of the Complainant, Mrs Clara Lewis, and the pro-confesso heretofore entered against the Defendant, and the oral testimony of witnesses examined in open Court.

And it satisfactorily appeared to the Court from the proof that the facts charged in the bill are true, that the defendant had wilfully deserted the Complainant, without a just and reasonable cause, and that the complainant is a chaste woman, and gave the defendant no cause or just excuse for said mis conduct and desertion, and that she has not been condoned in same.

That the Defendant failed and refused to provide the proper food and clothing for the support of the family, that he would not aid at complainant and left her some six times, and times when a crop was being pitched and his services being needed as well as food whereby the family could have something to eat while making the crop and has not provided anything since said desertion from time to time during said marriage.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony subsisting between the Complainant and defendant be absolutely and forever dissolved and that complainant be vested with all the rights and privileges of an

(Continued)

unmarried woman; that her former name be restored to her, Mrs Clara Hatcher, that the name of her former husband, deceased.

HENRY SMITH, ADMR,

VS.

IN THE CIRCUIT COURT AT WAVERLY TENNESSEE

N.C. &amp; ST. LOUIS RAILWAY

In this cause, the Defendant is allowed thirty days in which to file its pleadings in this cause.

COURT THEN ADJOURNED UNTIL COURT IN COURSE

Dancy Fort, JUDGE.

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

STATE OF TENNESSEE  
HUMPHREYS COUNTY

CAPTION DECEMBER TERM OF CIRCUIT COURT 1942

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 20th day of April 1942, It being the third Monday of said month, and the One thousand nine Hundred and forty second year of our Lord, and the sixty-seventh year of American Independence. Present and presiding the Hon Dancy Fort, Judge, of the Nineth Judicial District of the State of Tennessee.

Court was opened in due form of law by Frank James, Sheriff of Humphreys County, Tennessee and by him returned in open court a writ of Vinire Facias, showing that the Following named persons were appointed by the County Court at its April Term 1942, to appear and serve as Jurors at this the present term of Court, to-wit; W.L. McNeil, N.R. Patrick, Feral Jones, Dock Hamilton, J.M. Madden, Sam Scott, W.S. Miller, Jim Thompson, H.L. Rogers, H.W. Hooper, P.S. Corbitt, Ellis Winstead, J.P. Holleran, R.D. Bruce, J.B. Brown, J.W. Gray, Sam Harbison, T.J. Pullen, W.E. Joslin, Vernon Anderson, Tom Larkins, Albert O'Guinn, Tom McNeil, W.R.H. Bowen, K.C. Hobbs, and F.A. Varrs.

And out of the jurors so summoned the following were selected as required by law, as Grand Jurors, to-wit; H.W. Hooper, Feral Jones, P.S. Corbitt, W.S. Miller, Albert O'Guinn, Sam Scott, J.M. Madden, Jim Thompson, H.L. Rogers, Dock Hamilton, Ellis Winstead, and J.W. Gray, and R.H. Mc Keel, having been appointed Foreman of the Grand Jury at a former Term of this Court, the said Grand Jurors is in all things as the law directs having been duly elected, tried and sworn according to law, retired to their room in charge of their sworn officer, D.C. Vaden, a constable of Humphreys County, Tennessee, sworn according to law to attend them in considering indictments and presentments. And out of the remaining jurors so summoned, the following were excused from jury service by the Court, to-wit; W.E. Joslin, Tom Larkins, Vernon Anderson, F.A. Varrs, W.R.H. Bowen and Tom Pullen. 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, Wilson Murphree, J.L. Bigham, Robert Davis, Jess Merideth, C.R. Watts, Will Warden W.R. Bass, D.E. Danesworth, J.E. Patrick, and K.W.D. Thompson.

ETTA STEWART

VS.

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

COCA BOTTLING WORKS, ETAL

This day came the Plaintiff by Attorney and moved the Court to be permitted to take a non-suit; and upon consideration thereof the Court does hereby permitt the plaintiff a non-suit without prejudice. the plaintiff will pay the costs of this cause.

A.L. NEWS

VS.

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

N.C. & ST. LOUIS RAILROAD

In this case upon consent of parties, it is ordered that this case be continued until the next term of this court and set for the first day of next term.

MRS ZULA MCKELVY

VS. CONDEMNATION

OLIVER J. LONG

In this case upon motion of the plaintiff it is ordered that this case be continued until the next term of this court.

MRS E.T.CROWELL

VS. CONDEMNATION

WILLIAM ANDERSON

In this case upon motion of the Plaintiff it is ordered that this case be continued until the next term of this court.

MASON MERIDETH

VS. CONDEMNATION

OLIVER J. LONG

In this case upon motion of the Plaintiff, It is ordered that this case be continued until the next term of this court.

MRS ZULA MCKELVY

VS. CONDEMNATION

NEWTON REASON

In this upon motion of the plaintiff, it is ordered that this case be continued until the next term of this court.

MRS ZULA MCKELVY

VS. CONDEMNATION

JESS ANDERSON

In this case upon motion of the plaintiff, it is ordered that this case be continued until the next term of this court.

MRS ZULA MCKELVY

VS. CONDEMNATION

WILLIAM ANDERSON

In this case upon motion of the plaintiff it is ordered that this case be continued until the next term of this court.

E.L. LEDBETTER

VS. CONDEMNATION

JESS ANDERSON

In this case upon motion of the plaintiff, it is ordered that this case be continued until the next term of this court.

MRS. ZULA MCKELVY

VS. CONDEMNATION

PETE MOORE

In this case upon motion of the plaintiff, it is ordered that this case be continued until the next term of this court.

COURT THEN ADJOURNED UNTIL TOMORROW MORNING AT 9 O'CLOCK

*Dancy Fort*  
JUDGE

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

STATE OF TENNESSEE

VS. ASSAULT AND BATTERY

B.W. INGRAM

In this case came the Attorney-General for the State and the defendant in person and by Attorney, upon motion it is ordered that a former order, heretofore entered be revived.

STATE OF TENNESSEE

VS. LARCENY

JAMES COLLIER

In this case came the Attorney-General for the State and in appearing to the Court that the defendant has not been apprehended, It is therefore ordered, adjudged and decreed by the Court that this case be continued until the next term of this court, and that an alias capias issue for the defendant.

STATE OF TENNESSEE

VS. DISPOSING OF MORTGAGED PROPERTY

O.B. WHITSON

In this case came the Attorney-General for the State and the Defendant by Attorney and upon sufficient proof, due to the illness of the defendant, It is ordered that this case be continued until the next term of this court.

STATE OF TENNESSEE

VS. AGE OF CONSENT

WOODROE MILLER

In this case came 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 that a verdict of not guilty be entered in this case.

STATE OF TENNESSEE

VS. CARRYING A BLACK JACK

CECIL DIVINIE

In this case came the Attorney-General for the State and in appearing to the court that the defendant has not been apprehended, It is therefore ordered, adjudged and decreed by the court that this case be continued until the next term of this court and that an alias capias issue for the defendant.

STATE OF TENNESSEE

VS. SOI FA.

CECIL DIVINIE

B.V. DIVINIE

JOE WRIGHT

In this case upon motion it is ordered that this case be continued until the next term of this court.



STATE OF TENNESSEE

VS.

LARCENY OF LIQUOR

JUNIOR O'GUINN

In this case came the Attorney-General for the State and it appearing to the court that the defendant is in the Army, It is therefore ordered that this cause be placed on the retired docket.

STATE OF TENNESSEE

VS.

BONE DRY

C.C. (LUM) BAGWELL

In this case came the Attorney-General for the State and the defendant by Attorney when upon motion and sufficient proof that defendant is sick, It is ordered that this case be continued until the next term of this court.

STATE OF TENNESSEE

VS.

SOL. PA.

PASCAL MAY  
KINCH MAY  
CARL MEADOW

In this case came the Attorney-General for the State and the defendants in person and by Attorney, and it appearing to the court that a conditional Forfeiture was entered at a former term of this court, upon motion and good cause shown, It is ordered that said Forfeiture be set aside upon payment of costs.

STATE OF TENNESSEE

VS.

NEUISANCE

J. L. O'GUINN

In this case came the Attorney-General for the State and it appearing to the Court that the defendant is in the Army, it is therefore ordered that this cause be placed on the retired docket.

STATE OF TENNESSEE

VS.

AS A'LT WITH INTENT TO COM'IT MURDER IN THE FIRST DEGREE

DILLIE MCGRUDER

In this case came the Attorney-General for the State and it appearing to the Court that the Defendant had not been apprehended, It is therefore ordered that this case be continued until the next term of this court and that an alias capias issue for the defendant.

COURT THEN ADJOURNED UNTIL TOMORROW MORNING AT 9 O'CLOCK

*Dancy Fort* JUDGE

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

STATE OF TENNESSEE

VS.

DRIVING DRUNK

JOHNNIE STANFORD

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

It is therefore ordered, adjudged, and decreed by the Court, upon defendants plea of guilty, that he pay or secure a fine of \$10.00 and the cost of this cause for which let execution issue. And that he be confined in the county jail of Humphreys County, for a period of thirty days, however said jail sentence is ordered suspended on good behavior and that he be deprived of driving a motor vehicle five months and twenty-nine days.

MRS. MARY HALL HUMSEY

VS.

IN CIRCUIT COURT AT

THE NASHVILLE, CHATTANOOGA,  
AND ST. LOUIS RAILWAY COMPANY,  
AND HENRY SMITH, ADMINISTRATOR  
OF ESTATE OF SUGG SMITH, DECEASED

Waverly

FOR HUMPHREYS COUNTY, TENNESSEE

This day came the parties by their attorneys and also came a jury of good and lawful men, to wit:

J. P. Holleran  
J. B. Brown  
Will Warden  
Charley Vaden  
Walter McNeil  
J. L. Bigham  
Robert Davis  
J. E. PatrickC. R. Watts  
D. E. Densworth  
W. C. Hobbs  
Newton Patrick

Who were duly sworn to try the issues joined between the parties.

The hour of adjournment having arrived and the cause not being finished the court respited the jury and adjourned the trial of the cause until nine (9) o'clock A. M. *Tuesday* April 23, 1934.

STATE OF TENNESSEE

VS.

GOING ARMED

PASCAL MAY

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:--Jas. P. Holleran, J. B. Brown, Walter McNeil, N. R. Patrick, Wilson Murphree, J. L. Bigham, Robert Davis, Jess Merideth, Tom McNeil, C. R. Watts, Will Warden, W. R. Bass, 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 carrying a pistol, the same not being an army or navy pistol carried openly in the hand, and assess and fix his punishment at a fine of \$50.00.

It is therefore ordered, adjudged and decreed by the court, for the offense as found by the jury, the defendant pay or secure the fine of \$50.00 and the costs of this cause for which let execution issue and in the event of his failure to pay or secure the same he will be taken in custody by the sheriff of Humphreys County, Tennessee and by him confined in the county jail or workhouse until the said is paid, secured or worked out. COURT THEN ADJOURNED UNTIL TOMORROW MORNING AT 9 O'CLOCK

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 presented the following indictments and presentments.

One against Jim Bridges, Driving Drunk: SUBPOENA FOR THE STATE, Frank Wells, C. E. Freeman, Frank James.

One against Clyde Halloway, Driving Drunk, Subpoena for the state, Harry Bolerjack, Frank Wells, Rode Spicer.

One against Bessie Maberry, Common Law Misdemeanor, Subpoena for the state, Frank Wells, Harold Hooper, Emma Lee Luten, Floyd Russell, Bessie Woodrich.

One against Don Tate and Don Elbert, Robbery, which indictment in words and figures as follows: State of Tennessee, Humphreys County, April Term of Circuit Court, A. D. 1942

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 Don Tate and Don Elbert (Alias Rocky Elbert) heretofore, to wit, on the 7th day of February, 1942, in said County and State, unlawfully, forcibly and feloniously did take from the person of Alfred Allison of the United States and of the value of Nineteen Dollars and thirty cents by violence and putting the said Alfred Allison in fear, contrary to the statute and against the peace and dignity of the State of Tennessee.

W. C. Howell, Attorney-General

April Term, 1942 State vs. Don Tate and Don Elbert, Robbery, Alfred Allison, Prosecutor.

Subpoena for the state: Alfred Allison, Frank James, Harry Bolerjack, Frank Wells, Duncan Story. Witnesses sworn by me on this indictment before the Grand Jury April Term, 1942. R. H. McKeel, Foreman Grand Jury. W. C. Howell, Attorney-General.

A true bill. R. H. McKeel, Foreman Grand Jury.

April Term, 1942 State vs. Don Tate and Don Elbert, Harry Bolerjack, Prosecutor.

Subpoena for the state: Harry Bolerjack, Alfred Allison, Frank James, Frank Wells, Duncan Story. Witnesses sworn by me on this indictment before the Grand Jury April Term, 1942. R. H. McKeel Foreman Grand Jury

April Term, 1942 The State vs. Woodrow Wilson, Carrying a Pistol, Subpoena for the state:

D. O. Lee, Melvin Lashlee, Ben Anderson, Esq. L. P. Gwin.

One against W. D. Brisentine, Driving Drunk, Subpoena for the state: Harry Bolerjack, Frank James, Frank Wells.

One against Wilton Carnell, Driving Drunk, Subpoena for the State: Duncan Story, Frank James, Harry Bolerjack, T. R. Westbrook, Dr. W. W. Slayden.

One against Jack Murray, Driving Drunk, Subpoena for the state: J. W. Buchanan, Erla Buchanan, Walter Reece, Bell Buchanan.

One against Sam T. Hogan, Alias James Thomas Hogan, Driving Drunk, Subpoena for the state: Harry Bolerjack, T. R. Westbrook, W. D. Wells, J. McReeves.

MRS. MARY HALL RUMSEY, Plaintiff, vs. N.C. & ST. LOUIS RAILWAY, ET AL, Defendant, IN THE CIRCUIT COURT OF HUMPHREYS COUNTY, TENN.

Plaintiff requests, that the Jury be charged that the verdict may be rendered against either one of the defendants or against both of them. One defendant may be discharged and a verdict rendered against the other or both may be discharged.

Refused,

Dancy Fort, Judge.

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HONORABLE DANCY FORT, JUDGE

MRS. MARY HALL RUMSEY

VS.

THE NASHVILLE, CHATTANOOGA,

AND ST. LOUIS RAILWAY COMPANY,

AND HENRY SMITH, ADMINISTRATOR

OF ESTATE OF SUGG SMITH, DECEASED X

IN CIRCUIT COURT AT

WAVERLY

FOR HUMPHREYS COUNTY

TENNESSEE

This cause came on to be further heard by the said jury of good and lawful men, heretofore selected and sworn to try the issues joined between the parties, and who on their oath do say that they find the issue in favor of the Plaintiff against the Defendant Nashville, Chattanooga and St. Louis Railway Company, and assess her damage at the sum of Eight Thousand Dollars (\$8,000.00), and that as to the Defendant, Henry Smith, Administrator of Sugg Smith, deceased, they find the issues in favor of the Defendant Henry Smith, Administrator of Sugg Smith, deceased.

It is therefore considered that the Plaintiff, Mary Hall Rumsey recover of the Defendant Nashville, Chattanooga and St. Louis Railway Company said sum of Eight Thousand Dollars (\$8,000.00) and all the costs of this cause, for all of which execution will issue.

On motion of F. S. Hall, a lien is hereby declared in his favor on the above judgment for his fee as the Plaintiff's attorney in this cause.

MARY HALL RUMSEY

VS:

N. C. & ST. LOUIS RAILWAY, ET AL

IN THE CIRCUIT COURT AT

WAVERLY, TENNESSEE

Came the Defendant, the Nashville, Chattanooga and St. Louis Railway on this the 22 day of April, 1942 and filed its motion for a new trial in the above styled cause. Upon application of said Defendant and for good cause shown it is granted additional time namely until May 2nd, 1942 within which to amend its motion for a new trial or to file an amended motion for a new trial.

It is further ordered that same will be heard on May 15th, 1942.

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

One against Clint Holston (Alias Son Holston) Driving Drunk, Subpoena for the State Harry Bolerjack, Grady Chance, J. C. Thomas Frank James, Frank Wells, and Esq. L. P. Quinn.

One against Roy Goodman, Driving Drunk, Subpoena for the State: Harry Bolerjack, J. C. Thomas, D. O. Lee, Frank Wells, Esq. L. P. Gwin.

One against Melvin Hicks, (Alais P. Hicks) which indictment is in words and figures as follows:

STATE OF TENNESSEE, HUMPHREYS COUNTY, APRIL TERM OF CIRCUIT COURT, A. D. 1942

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 Melvin Hicks (Alais Pete Hicks) heretofore, to wit, on the 14th day of February, 1942, in said County and State, unlawfully, fraudulently and feloniously made a certain instrument in writing, purporting to be a check for six dollars on The Citizens Bank of Waverly, signed by Jim Hicks; which instrument is in words and figures as follows: "Waverly Tennessee, Feb. 14, 1942. The Citizens Bank of Waverly. Pay to the order of Cash \$6.00 (Six and no/100 Dollars. For---Jim Hicks" said instrument being a forgery and with intent to defraud him the said Jim Hicks and to the prejudice of the right of

(Continued)

of him, the said Jim Hicks, contrary to the statute and against the peace and dignity of the state of Tennessee.

And the Grand Jurors aforesaid, upon their oath aforesaid, further present that the said Melvin Hicks (Alias Pete Hicks) on the day and year aforesaid, in the state and county aforesaid, unlawfully, knowingly, fraudulently, feloniously and with intent to defraud William S. Redford as Manager of National Stores Corp. a corporation did offer and pass to the said William S. Redford as Manager of National Stores Corp. A corporation, a certain forged check which is in words and figures as follows: (Waverly, Tenn. Feb. 14, 1942. The Citizens Bank of Waverly. Pay to the order of Cash \$6.00 Six and no/100 Dollars. For--Jim Hicks) which instrument was a forgery and the said Melvin Hicks (Alias Pete Hicks), at the time, knowing the same to be forgery, contrary to the statute and against the peace and dignity of the state of Tennessee.

W. C. Howell, Attorney-General

April Term, 1942 State vs. Melvin Hicks (Alias Pete Hicks), William S. Redford, Prosecutor.  
Subpoena for the state: W. S. Redford, Jim Hicks, Frank James, Esq. L. P. Gwin.  
Witnesses sworn by me on this indictment before the Grand Jury April Term, 1942. R. H. McKeel,  
Foreman Grand Jury. W. C. Howell, Attorney-General. A TRUE BILL, R. H. McKeel.

STATE OF TENNESSEE, HUMPHREYS COUNTY, April Term of Circuit Court, A. D. 1942

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 Joe Traylor and Ernest Donegan heretofore, to wit, on the 24th day of January, 1942, in said County and State, unlawfully and feloniously went into fields in the state and county aforesaid where coats belonging to T. M. Ayers were kept and killed two of said coats and carried some away without the knowledge or permission of said T. M. Ayers said two coats being of the value of four dollars. So the Grand Jurors aforesaid, upon their oath aforesaid present that the said Joe Traylor and Ernest Donegan, on the day and year aforesaid, in the state and county aforesaid unlawfully and feloniously did take, steal and carry away two coats of the value of four dollars, the property of T. M. Ayers of said county, contrary to the statute and against the peace and dignity of the state of Tennessee.

W. C. Howell, Attorney-General

April Term, 1942, State vs. Joe Traylor and Ernest Donegan, Larceny, T. M. Ayers, Prosecutor.  
Subpoena for the state: T. M. Ayers, Carl Hinson, Clarence Story, Ressie Burnom, J. T. Stewart, Harvey Bruce, Ike Baker, Posco Jones, Stevie Jones. Witnesses sworn by me on this indictment before the Grand Jury April Term, 1942. R. H. McKeel.  
Foreman Grand Jury. W. C. Howell, Attorney-General.  
A TRUE BILL, R. H. McKeel, Foreman Grand Jury.

One against Maxie Smith, Assault And Battery, A. J. Richardson, Prosecutor.

Subpoena for the state: A. J. Richardson, Preston Cooper, Dr. J. Y. Wall.

One against Willie Simpson, Carrying an ice pick, Subpoena for the State: Joe Traylor, Harry Bolerjack, L. R. Wright.

One against Melvin Hicks (Alias Pete Hicks) Larceny, W. L. White, Prosecutor.

Subpoena for the state: W. L. White, J. A. Tomlinson, Lewis Felts, Carter Simpson.

One against James Baker, Involuntary Man Slaughter, which indictment is in words and figures as follows: STATE OF TENNESSEE, HUMPHREYS COUNTY, April Term of Circuit Court, A. D. 1942.

The Grand Jurors for the State of Tennessee, duly elected, empaneled, sworn, and

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STATE OF TENNESSEE

VS.

ASSAULT WITH INTENT TO COMMIT MURDER IN THE FIRST DEGREE

THOMAS FORESTER

In this case came the Attorney-General for the State and the Defendant imperson 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: J. B. Brown, Will Warden, J. L. Bigham, Robert Davis, J. E. Patrick, C. R. Watts, K. C. Habbs, Wilson Murphree, Tom McNeil, J. P. Holleran, W. R. Bass, Walter Anderson, who, being duly elected, tried and sworn according to law after hearing all of the proof argument of council and charge of the court upon their oath do say that they find the defendant guilty as charged in the indictment and assess and fix his punishment at one year in the penitentiary.

It is therefore ordered, adjudged and decreed by the Court that for the offense as found by the jury that the defendant be confined in the State Penitentiary at Nashville, Tennessee, at hard labor, for a period of time of One year and that he pay the cost of this cause for which let execution issue. And further that they be rendered infamous.

STATE OF TENNESSEE

VS.

ASSAULT AND BATTERY

ROY HUGHES

In this case came the Attorney-General for the State and the defendant by Attorney, upon motion and a former order, it is ordered that the same orders be revived.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

ROY HUGHES

In this case came the Attorney-General for the State and defendant by Attorney, upon motion and a former order, It is ordered that the same order be revived.

STATE OF TENNESSEE

VS.

LARCENY OF GASOLINE

LEROY FRAZIER

THOMAS BELL

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

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County, Tennessee, to-wit: J. P. Holleran, J. B. Brown, Walter McNeil, N. R. Patrick, Wilson Murphree, J. L. Bigham, Robert Davis, Jess McKeith, Tom McNeil, C. R. Watts, Will Warden, W. R. Bass, who, being duly elected, tried and sworn according to law, after hearing all of the proof argument of council and charge of the court upon their oath do say that they find the defendants guilty as charged in the indictment and assess and fix his punishment at thirty(30) days in the jail of Humphreys County, Tennessee.

It is therefore ordered, adjudged and decreed by the Court that for the offense as found by the jury that the defendants be confined in the County jail of Humphreys County, Tennessee for a period of thirty(30) days and that they pay the cost of this cause for which execution will issue. And further that they be rendered infamous. And further that this sentence be suspended on behavior.



*Continued on 380*

charged to inquire for the body of the County of Humphreys and State aforesaid, upon their oath aforesaid, present that James Baker heretofore, to wit, on the 4th day of February, 1942, in said County and State, unlawfully did drive an automobile on the public highways of the state and county aforesaid recklessly at a speed and in a manner so as to endanger or be likely to endanger life, limb or property of persons and in which automobile Walter Patterson was a passenger and as a result of said reckless driving aforesaid, collided with a truck on said highways belonging to R. L. Burns and Driven by Arthur Baker and killed the said Walter Patterson. So the Grand Jurors aforesaid, upon their oath aforesaid, present and say that the said James Baker, on the day and year aforesaid, in the state and county aforesaid did unlawfully and feloniously commit Involuntary Manslaughter on the Walter Patterson in the way and manner aforesaid contrary to the statute and against the peace and dignity of the state of Tennessee.

W. C. Howell, Attorney-General.

April Term, 1942, State vs. James Baker, Involuntary Manslaughter,  
Subpoena for the state: Harry Polerjack, R. L. Burns, Arthur Baker, Elvis Curtis,  
Robert McBride.

W. C. Howell, Attorney-General

A TRUE BILL. R. H. McFeel, Foreman Grand Jury. W. L. Rodgers, Sam Scott, J. M. Madden,  
W. S. Miller, J. M. Gray, A. E. Winstean, P. S. Corbitt, H. W. Hooper, P. A. Jones,  
Jin Thompson, Albert O'Quinn, P. L. Hamilton.

STATE OF TENNESSEE

VS.

HOUSE BREAKING AND LARCENY

JESSE BUCHANAN

In this case came the Attorney-General for the State and the defendant in person and by Attorney, when upon motion of defendant it is ordered that this case be continued until the next term of this court, on account of the absence of Junior O'Quinn.

STATE OF TENNESSEE

VS.

LARCENY

AMOS EWING

In this case came the Attorney-General for the State and the Defendant in person and by Attorney, when upon motion of the Attorney, it is ordered that this case be continued until the next term of this court.

STATE OF TENNESSEE

VS.

PUBLIC DRUNKNESS

BESSIE WABERRY

In this case came the Attorney-General for the State and the Defendant in person and by Attorney, when upon recommendation of the Attorney-General for the State, it is ordered that a nolle prosequi be entered in this case, of this court.

STATE OF TENNESSEE

VS.

ASSAULTING AN OFFICER

SCOTT SHANKS

In this case the Grand Jury returned an indictment marked, "Not a true Bill." It therefore ordered, adjudged and decreed by the Court that the defendant be dismissed and go hence without day.

STATE OF TENNESSEE

VS.

ASSAULT WITH INTENT TO COMMIT MURDER

MYRTLE JOHNSON

In this case the Grand Jury returned an indictment marked, "Not a True Bill". It therefore ordered, adjudged and decreed by the Court that the defendant be dismissed and go hence without day.

STATE OF TENNESSEE

VS.

INVOLUNTARY MANSLAUGHTER

JAMES BAKER

In this case came the Attorney-General for the state and the defendant in person and by the Attorney, when upon motion, it is ordered that this case be continued until the next term of this court and further that an alias capis issue for the defendant.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

WID BRISSENTINE

In this case came the Attorney-General for the state and the defendant in person and by the Attorney, when upon motion, it is ordered that this case be continued until the next term of this court.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

JACK MURRAY

In this case came the Attorney-General for the state and the defendant in person and by the Attorney, when upon agreement of parties joined, it is ordered that this case be continued until the next term of this court.

STATE OF TENNESSEE

VS.

ASSAULT AND BATTERY

MAXIE SMITH

In this case came the Attorney-General for the state and the defendant in person and by the Attorney, when upon motion, it is ordered that this case be continued until the next term of this court. And further that an alias capis issue for the defendant.

STATE OF TENNESSEE

VS.

LARCENY

ERNEST DUNAGAN AND

JOE TRAYLOR

In this case came the Attorney-General for the state and the defendants in person and by the Attorney, when upon motion, it is ordered that this case be continued until the next term of this court, and further that an alias capis issue for the defendants.

STATE OF TENNESSEE

VS.

FELONY

DONN TATE  
DON ELBERT

In this case came the Attorney-General for the state and the defendant in person when upon motion of the Attorney-General for the State, it is ordered that this case be placed on the retired docket.

STATE OF TENNESSEE  
VS. SCIVERA DRUNK  
EUGENE BUCHANAN

In this cause comes the Attorney-General for the State and the Defendant, Eugene Buchanan being solemnly called to come into court as he was required to do to answer the State of Tennessee on an indictment pending here for Driving Drunk according to the terms of his bond, came not but made default, and his bondsmen, V. A. Rye, Ike McMillan, being solemnly called to come into Court and being with them the body of Eugene Buchanan, came not but made default.

It is therefore ordered by the Court that the State of Tennessee have and recover of Eugene Buchanan and his sureties, in the sum of (\$250.00) Dollars in accordance to the terms of the bond, unless they show good cause to the contrary and that an alias capias issue for Eugene Buchanan.

STATE OF TENNESSEE  
VS. SCI FA  
CLYDE HOLLOWAY

In this cause comes the Attorney-General for the State and the Defendant, Clyde Holloway being solemnly called to come into court as he was required to do to answer the State of Tennessee on an indictment pending here for Driving Drunk, according to the terms of his bond, came not but made default, and his bondsmen, T. C. Cooke, F. W. Fleming, W. S. Holloway, being solemnly called to come into Court and being with them the body of Clyde Holloway, came not but made default.

It is therefore ordered by the Court that the State of Tennessee have and recover of Clyde Holloway and his sureties, in the sum of (\$250.00) Dollars in accordance to the terms of the bond, unless they show good cause to the contrary and that an alias capias issue for Clyde Holloway.

STATE OF TENNESSEE  
VS. SCI FA  
RAY GOODMAN

In this cause comes the Attorney-General for the State and the Defendant, Ray Goodman being solemnly called to come into court as he was required to do to answer the State of Tennessee on an indictment pending here for Driving Trunk, according to the terms of his bond, came not but made default, and his bondsmen, Jim Conley, E. Madden, being solemnly called to come into Court and being with them, the body of Ray Goodman, came not but made default.

It is therefore ordered by the Court that the State of Tennessee have and recover of Ray Goodman and his sureties, in the sum of (\$250.00) Dollars in accordance to the terms of the bond, unless they show good cause to the contrary and that an alias capias issue for Ray Goodman.

STATE OF TENNESSEE  
VS. LARCENY  
HAROLD STEWART

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 guilty to larceny.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys County Tennessee, to wit: J. P. Holleran, J. B. Brown, Walter McNeil, N. R. Patrick, Wilson Murphree, J. L. Richam, J. L. Richam, Robert Davis, Jess Merideth, Tom McNeil, C. R. Watts, Will Warden, W. R. Bass, who, being duly elected tried and sworn

(Continued)

according to law, after hearing all the proof, argument of counsel and the charge of the law, after hearing all the proof, argument of counsel and the charge of the Court, upon Court, upon their oath to say they find the defendant guilty of larceny as charged in and assess his punishment at eleven months and twenty-nine days in County Jail.

It is therefore ordered, adjudged and decreed by the Court that, for the offense as found by the jury the defendant be confined in the County Jail of Humphreys County, Tennessee, for a period of time of eleven months and twenty-nine days and pay the costs of this cause for which let execution issue, and that defendant be rendered infamous. It is further ordered that this sentence be suspended during good behavior.

Thence came into open Court the defendant Harold Stewart and paid to the Clerk all of said cost.

STATE OF TENNESSEE  
VS. RECKLESS DRIVING  
JIM BRIDGES

In this case comes the Attorney-General for the State and the Defendant in person and by Attorney, being duly charged and arraigned on said indictment pleads guilty.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys county Tennessee, to-wit: J. P. Holleran, J. B. Brown, Walter McNeil, N. R. Patrick, Wilson Murphree, J. L. Richam, Robert Davis, Jess Merideth, Tom McNeil, C. R. Watts, Will Warden, W. R. Bass, who, being duly elected, tried and sworn according to law, after hearing all of the proof argument of the council, and charge of the court upon their oath do say that they find the defendant guilty as charged in the indictment.

It is therefore ordered, adjudged and decreed by the Court for the offense as found by the jury that the defendant pay of secure a fine of twenty-five (\$25.00) Dollars and the cost of this cause for which let execution issue. Whereupon the defendant in open court and paid said fine and cost.

STATE OF TENNESSEE  
VS. CARRING AN ICE PICK  
WILLIE SIMPSON

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

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys county Tennessee, to-wit: J. P. Holleran, J. B. Brown, Walter McNeil, N. R. Patrick, Wilson Murphree, J. L. Richam, Robert Davis, Jess Merideth, Tom McNeil, C. R. Watts, Will Warden, W. R. Bass, who, being duly elected, tried and sworn according to law, after hearing all of the proof argument of the council, and charge of the court upon their oath do say that they find the defendant guilty as charged in the indictment.

It is therefore ordered, adjudged and decreed by the Court for the offense as found by the jury that the defendant pay of secure a fine of fifty (\$50.00) Dollars and the cost of this cause for which let execution issue. Whereupon the Defendant in open court and paid said fine and cost, and further that he be given credit for time in jail.

STATE OF TENNESSEE  
VS. LARCENY  
MELVIN HICKS

In this case comes the Attorney-General for the State and the Defendant in person and by Attorney, being duly charged and arraigned on said indictment pleads guilty.

Thereupon to try the issues joined came a jury of good and lawful men of Humphreys county Tennessee, to-wit: J. P. Holleran, J. B. Brown, Walter McNeil, N. R. Patrick, Wilson Murphree, J. L. Richam, Robert Davis, Jess Merideth, Tom McNeil, C. R. Watts, Will Warden, W. R. Bass, who, being duly elected, tried and sworn according to law, after

(Continued)

STATE OF TENNESSEE

VS.

(CONTINUED)

MELVIN HICKS

hearing all of the proof argument of the council, and charge of the court upon their oath to say that they find the defendant guilty as charged in the indictment and assess and fix his punishment at eleven months and twenty-nine days in the county jail.

It is therefore ordered, adjudged and decreed by the Court for the offense as found by the Jury that the defendant be confined in the County Jail of Humphreys County, Tennessee for a period of time of eleven months and twenty-nine days and that he pay the cost of the cause, for which let execution issue, and further that he be rendered infamous.

STATE OF TENNESSEE

VS.

ROBBERY

DON TATE  
DON ELBERT

In this cause comes the Attorney-General, for the State and the defendants in person and by attorney, who, being duly charged and arraigned on said indictment, pleads ~~xxx~~ guilty to Robbery.

Thereupon to try the issues joined came a Jury of good and lawful men of Humphreys County Tennessee, to-wit: J. P. Holleran, J. B. Brown, Walter McNeil, N. R. Patrick, Wilson Murphree, J. L. Bigham, Robert Davis, Jess Merideth, Tom McNeil, C. R. Watts, Will Warden, W. R. Bass, who, being duly elected tried and sworn according to their oath do say they find the defendant guilty of Robbery as charged in the indictment and assess his punishment at five years at the State Training and Agricultural School, Nashville, Tennessee.

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 Training and Agricultural School at Nashville, Tennessee, for a period of time of five years and pay the costs of this cause for which let execution issue, and that defendants be rendered infamous.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

JAMES THOMAS HOGAN

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

It is therefore ordered adjudged and decreed by the Court that for the offense for which let execution issue. In the event of his failure to pay or secure same he will be taken in custody by the Sheriff of Humphreys County or in the work house until same is paid, secured or worked out. It is further ordered and decreed by the Court that the defendant serve 30 days in jail but this jail sentence is suspended during good behavior upon the payment or securing of said fine, it is further ordered and decreed by the court that the defendant and be prohibited from driving an automobile in the State of Tennessee for a period of five months and twenty-nine days.

STATE OF TENNESSEE

VS.

DRIVING DRUNK

CLINT (SON) GHOULSTON

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 for which let execution issue. In the event of his failure to pay or secure same he will

(Continued)

be taken in custody by the Sheriff of Humphreys County, Tennessee, and by him confined in the County Jail of Humphreys County or in the work house until same is paid and serve 30 days in jail but this jail sentence is suspended during good behavior upon the payment or securing of said fine, it is further ordered and decreed by the Court for a period of five months and twenty-nine days.

STATE OF TENNESSEE

VS.

FORGERY

MELVIN HICKS

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

Thereupon to try the issues joined came a Jury of good and lawful men of Humphreys county Tennessee, to-wit, J. P. Holleran, J. B. Brown, Walter McNeil, N. R. Patrick, Wilson Murphree, J. L. Bigham, Robert Davis, Jess Merideth, Tom McNeil, C. R. Watts, Will Warden, W. R. Bass, who, being duly elected, tried and sworn according to law, after hearing all of the proof argument of the council, and charge of the court upon their oath do say that they find the defendant guilty as charged in the indictment and assess and fix his punishment at eleven months and twenty-nine days in the County Jail.

It is therefore ordered, adjudged and decreed by the Court for the offense as found by the Jury that the defendant be confined in the County Jail of Humphreys County, Tenn. for a period of time of eleven months and twenty-nine days and that he pay the cost of the cause for which let execution issue, and further that he be rendered infamous. *20 Run*  
*Concur with Section on Page 386.*

STATE OF TENNESSEE

VS.

GOING ARMED

WOODROW WILSON

In this case comes the Attorney-General for the State and the Defendant in person and by Attorney, being duly charged and arraigned on said indictment pleads guilty.

Thereupon to try the issues joined came a Jury of good and lawful men of Humphreys county Tennessee, to-wit: J. P. Holleran, J. B. Brown, Walter McNeil, N. R. Patrick, Wilson Murphree, J. L. Bigham, Robert Davis, Jess Merideth, Tom McNeil, C. R. Watts, Will Warden, W. R. Bass, who, being duly elected, tried and sworn according to law, after hearing all the proof argument of the council, and charge of the court upon their oath do say that they find the defendant guilty as charged in the indictment.

It is therefore ordered, adjudged and decreed by the Court for the offense as found by the Jury that the defendant pay or secure a fine of fifty (50.00) Dollars and the cost of this cause for which let execution issue. Whereupon the Defendant in open court and paid said fine and cost, and further that he be given credit for time in jail.

A. T. MANOR

VS.

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

J. S. FORREST, ET AL

In this cause, it appearing to the Court that the matters have been compromised, and settled out of Court prior to the term, the same is ordered stricken from the docket at the cost of the Defendant.



MR. FRANK BONE

VS: IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

J. S. FORREST, ET ALS

In this cause, it appearing to the Court that the matters having been compromised, settled and settled out of Court prior to the term, the same is ordered stricken from the docket at the cost of the Defendant.

REPORT OF GRAND JURY

We, the members of the Grand Jury for the April term 1942, of the Circuit Court held for Humphreys County, Tennessee, beg leave to file the following report to Your Honor, or otherwise.

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

We have examined the County Jail and the County Poor House and find the inmates well fed and cared for. We find the roof of the dining room at the Jail needs repair and recommend that this be called to the attention of proper parties.

We have examined all bonds required by law to be examined by us and find them good and solvent for the various amounts thereof and properly executed. And now having completed our labors for the term we respectfully ask to be discharged for the term.

Respectfully submitted, this April term 1942. R. H. McVael, Foreman of Grand Jury, J. M. Gray, Sam Scott, A. E. Winstead, H. W. Hooper, Jim Thompson, F. A. Jones, A. L. Hamilton, J. M. Madden, Albert O'Guin, P. S. Corbitt, W. S. Miller, H. F. Rogers.

SHERIFF'S BOARD BILL FOR BOARDING PRISONERS CHARGED WITH FELONIES

State of Tennessee vs Walter Peed, Robbery, from Dec. 31, 1941 to March 7, 1942 60 days at 75¢ per day and 2 turn keys ..... \$42.00

State of Tennessee vs Floyd Smith, Assault to Murder, from 12/31/41 to 1/10/42 11 days at 75¢ per day and 2 turn keys ..... \$10.25

State of Tennessee vs Don Tate, Robbery, from 2/7/42 to 5/1/42 84 days at 75¢ per day and 2 turn keys ..... \$ 65.00

State of Tennessee vs Don Elbert, Robbery, from 2/7/42 to 5/1/42, 84 days at 75¢ per day and 2 turn keys ..... \$ 65.00

State of Tennessee vs Pete Hicks, Larceny, from 2/26/42 to 5/1/42, 65 days at 75¢ per day ..... \$48.75

State of Tennessee vs Thomas Forester, Assault to Murder, from 2/26/42 to 5/1/42, 64 days at 75¢ per day and 2 turn keys ..... \$50.00

State of Tennessee vs Leroy Frazier, Larceny, from 4/11/42 to 4/14/42, 4 days at 75¢ per day and 2 turn keys ..... \$ 5.00

State of Tennessee vs Leroy Frazier, Larceny, from 4/22/42 to 4/22/42, 1 day at 75 cents per day and 2 turn keys ..... \$ 2.75

SHERIFF'S BOARD BILL FOR BOARDING JURORS IN CRIMINAL CASES

State of Tennessee vs Thomas Forester, Assault with Intent to Commit Murder, 2 days at 25 dollars per day ..... \$7.00

J. C. THOMAS

VS: IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

HENRY INGRAM  
MAGGIE INGRAM

In this cause, on motion of Plaintiff and it appearing to the Court, that the order of sale heretofore decreed in this cause, and appearing in Minute Book 19, page 355, has been unexecuted, the same is hereby revived, and ordered executed. All other matters are reserved.

E. O. DENSLOW

VS. IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

HUGH R. CANNON  
W. A. NOLANPLEA OF THE GENERAL ISSUE.

Comes the Defendants, Hugh R. Cannon and W. A. Nolan, by and through their Attorney, and defends the wrongs and injuries against them alleged; and say that they are not guilty of the supposed grievances which Plaintiff's declaration laid to their charge, or either or them, or any part thereof, in the manner and form as the Plaintiff has in his declaration complained against them, and of this the Defendants put themselves upon the Country, etc.

This plea is filed to the declaration as a whole, and as to each part thereof.

Wack C. Simpson, Atty. for Defendants

HENRY SMITH, ADM.  
SUG SMITH, DEC.

VS. DAMAGE

N. C. &amp; ST. LOUIS RAILWAY

This cause, by agreement of parties is continued to the next term of this Court.

FRANK DOTSON AND OTHERS

VS. IN CIRCUIT COURT AT WAVERLY, TENNESSEE

GRADY STEWART  
VIDA STEWART AND OTHERS

In this case judgment was rendered at the August term of this court, 1941 in favor of Frank Dotson and others vs. Grady Stewart, Vida Stewart and Joe Buddy Branden and thereafter, on the 14th day of April 1942, execution issued against the defendants which was executed by garnishment on the Waverly Garment Manufacturing Company and H. H. Martin, Superintendent, and on April 20, 1942 the said Martin answered said garnishment stating therein that at the time of the service thereof he was indebted to Vida Stewart in the sum of sixteen dollars and sixty three cents.

It is therefore ordered by the court that judgment be and is rendered against the Waverly Garment Manufacturing Co. and H. H. Martin, Superintendent for the sum of sixteen dollars and sixty three cents and that said amount be paid in this court by said Garment Manufacturing or H. H. Martin, Superintendent.

Said sixteen dollars and sixty three cents so paid into said court will be credited on said judgment in favor of Frank Dotson and Others. Less any cost incident to said garnishment proceedings.



MARY HALL RUMSEY

VS:

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

N. C. &amp; ST. LOUIS RAILWAY, ET AL

Comes the Defendants, the N. C. & St. Louis Railway at the present "trial" term of the Court and moves the Court to set aside the verdict of the jury and any judgment thereon and grant to it a new trial for reason as follows:

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

ii. The evidence preponderates against the verdict and in favor of the Defendants.

iii. The verdict of the jury is excessive.

iv. The verdict of the jury is so excessive as to evince passion, prejudice, partiality, corruption or unaccountable caprice, on part of the jury.

COURT ADJOURNED UNTIL MAY 2nd 1934



Judge.

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING THE HON. HENRY SMITH, JUDGE

MARY HALL RUMSEY

VS:

IN THE CIRCUIT COURT AT

NASHVILLE, CHATTANOOGA &amp; ST. LOUIS RAILWAY, ET AL

WAVERLY, TENNESSEE

This day, May 2nd, 1934 came the Defendant, the Nashville, Chattanooga and St. Louis Railway Company and filed its amendment to motion for a new trial heretofore filed in this cause.

MARY HALL RUMSEY,

VS:

IN THE CIRCUIT COURT, WAVERLY, TENNESSEE

N C &amp; ST. L RAILWAY, ET AL.

AMENDED MOTION FOR A NEW TRIAL

Comes the defendant, the Nashville, Chattanooga the rules and order of the court, and amends its motion for a new trial heretofore filed by adding to said motion for a new trial heretofore filed by adding to said motion certain grounds, as follows:

V.

The verdict of the jury against the defendant Railway and in favor of the defendant Henry Smith, Administrator of the estate of Sugg Smith, deceased, clearly shows bias, prejudice, partiality, passion, corruption or unaccountable caprices on the part of the jury against the defendant Railway.

The declaration, as amended, charged that Sugg Smith, deceased, in whose truck plaintiff's intestate was riding at the time of the accident, was guilty of negligence in that he failed to observe due and proper care and precaution in approaching and entering upon the railroad crossing where the accident occurred and in failing to keep a proper lookout for the approaching train, thereby concurring with the negligence of the defendant Railway to produce the collision and damage.

The evidence clearly showed that the said driver of the truck did not stop or check the truck; that he could have stopped his truck within three or four feet, but did not; that before he drove his truck upon the main track where the accident occurred he drove upon and across another track, which was thirteen feet from the main track; that he was familiar with the location of the railroad tracks and surroundings; that both he and Starline Rumsey, plaintiff's intestate, could have seen the train at any time when within forty to fifty feet of said main track; and that there is no evidence that either of them looked or listened.

The evidence produced the rankest case of negligence on the part of Sugg Smith, the driver of the truck, yet the jury returned a verdict in favor of his administrator and struck the Railway. Such inconsistent and arbitrary action on the part of the jury, as well as the large verdict rendered against the defendant Railway, cannot be accounted for except upon the grounds of deliberate and unjustifiable sympathy or favoritism for the defendant Smith and unconscionable bias, prejudice, passion, partiality, corruption or caprice against the defendant Railway. In fact, defendant Smith did not attend the trial, introduced no proof and his attorney sat at plaintiff's table assisting plaintiff's attorney against defendant Railway—an unusual and odd occurrence.

VI.

The court erred in overruling defendant's motion for a directed verdict in its favor as to the first count of the declaration, which motion was made at the conclusion of all of the evidence and which is as follows:

(Continued)

"Comes the defendant, The Nashville, Chattanooga & St. Louis Railway, at the conclusion of all of the evidence introduced upon the trial of the case and moves the court to peremptorily instruct the jury to return a verdict in its favor as to the first count of the declaration, because:

"1. There is no evidence upon which a verdict in favor of the plaintiff can be had or predicted.

"2. Under the uncontroverted testimony a verdict in favor of the defendant is demanded."

To the action of the court in overruling said motion the defendant then and there excepted, and now excepts.

## VII.

The court erred in overruling defendant's motion for a directed verdict in its favor as to the second count of the declaration, which motion was made at the conclusion of all of the evidence and which is as follows:

"Comes the defendant, the Nashville, Chattanooga & St. Louis Railway, at the conclusion of all of the evidence introduced upon the trial of the case and moves the court to peremptorily instruct the jury to return a verdict in its favor as to the second count of the declaration, because:

"1. There is no evidence upon which a verdict in favor of the plaintiff can be had or predicted.

"2. Under the uncontroverted testimony a verdict in favor of the defendant is demanded."

To the action of the court in overruling said motion the defendant then and there excepted, and now excepts.

## VIII.

The court erred in overruling defendant's motion for a directed verdict in its favor as to the third count of the declaration, which motion was made at the conclusion of all of the evidence and which is as follows:

"Comes the defendant, the Nashville, Chattanooga & St. Louis Railway, at the conclusion of all of the evidence introduced upon the trial of the case and moves the court to peremptorily instruct the jury to return a verdict in its favor as to the third count of the declaration, because:

"1. There is no evidence upon which a verdict in favor of the plaintiff can be had or predicted.

"2. Under the uncontroverted testimony a verdict in favor of the defendant is demanded."

To the action of the court in overruling said motion the defendant then and there excepted, and now excepts.

## IX.

The learned trial judge erred in his charge to the jury in that he unduly emphasized the allegations in the declaration and the contentions of the plaintiff. He quoted the declaration literally to the jury, consuming sixteen full pages. Then, after reciting defendant's plea, the court restated to the jury plaintiff's theory, consuming a part of two pages. In the light of the long statement and restatement of plaintiff's allegations and theory of the case, as made by the court, the jury must have thought the court desired that the plaintiff should win or thought the plaintiff should have a verdict against the Railway. The charge gave undue prominence to plaintiff's declaration and theory of the case. The charge of the court is and was verbose, contradictory, confusing to the jury, vague, ambiguous and misleading to the jury, and for these reasons it was erroneous.

## X.

The verdict of the jury and any judgment thereon are an absurdity and void for the reason that the declaration charges "\*\*\*\* that the direct and proximate cause of the death of her husband, Starling Rumsey, was the joint and concurrent negligence of the defendant Railway Company and Henry Smith, Administrator's intestate, Suggs Smith, \* \* \*." Plaintiff must stand or fall upon the case made in the declaration and since the jury found in favor of the defendant Smith the verdict is void as against the defendant and Railway.

## XI.

The court erred in charging the jury as follows:

" \* \* \* If you find from the proof and under the directions of the Court that the plaintiff is entitled to recover then you will go further and assess the damages to which she is entitled. The measure of damages in a case like this, gentlemen of the jury, is fixed by statute. Section 9240 of the Tennessee Code, 1932 provides: 'Where a person's death is caused by the wrongful act, fault or omission of another, and suit is brought for damages, as provided by sections 9236 to 9237, inclusive, the party suing shall, if entitled to damages, have the right to recover for the mental and physical suffering, loss of time, and necessary expenses resulting to the deceased from the personal injuries, and also the damages resulting to the parties for whose use and benefit the right of action survives from the death consequent upon the injuries received.'

"In this case, gentlemen of the jury, there is some controversy about whether the deceased died instantly or died later. If you find that he did not die instantly, then he would be entitled to recover for mental and physical suffering and pain, but if you find that he died instantly he wouldn't be entitled to recover for that but he would be entitled to recover--she would be entitled to recover--if he was killed instantly the measure of damages would be confined to the last paragraph quoted above, to wit: "That damages resulting to the party for whose use and benefit the right of action survives \* \* \*". The right of action in this case survives for the use and benefit of the widow and children of the deceased, and the measure of damages would be the pecuniary value of the life of the deceased, to be determined upon consideration of his expectancy of life, his age, condition of health, strength and capacity for labor and earning money, loss of companionship and society of the husband and father and for funeral expenses. After considering all these things if the plaintiff is entitled to recover, you will assess such damages as you think would reasonably compensate the widow and children for the loss of the husband and father. So, if you find for the plaintiff your verdict should be: we find for the plaintiff and assess her damages at \_\_\_\_\_ dollars."

The charge is erroneous in that:

First: It authorized recovery for loss of companionship and society of the husband and father.

Second: In charging the jury as to what they should take into consideration in arriving at the damages resulting to the parties for whose use and benefit the right of action survives, the court erred in instructing the jury to take into consideration the expectancy of life, age, condition of health, strength and capacity for labor and earning money of the deceased without further charging the jury that these things are all modified, however, by the fact that life is at most only a probability, based upon experience, and also by the fact that the earnings of the same individual are not always uniform.

Third: The instructions above quoted are erroneous for the further reason that

(Continued)

they did not require the jury to reduce the lump sum to its present cash value by some to its present cash value by some appropriate method or to take into consideration the reasonable and necessary living expenses of the deceased had he lived. Earnings acquired over a period of years are not as great as a present lump sum paid into court, and the jury should have been required to reduce the amount representing the earnings of deceased over a period of years to its present value by some appropriate method, taking into consideration the present legal rate of interest in this State.

## XII.

The court erred in charging the jury as follows:

"Take the case, gentlemen of the jury, and apply the law as given by the Court to the facts as you find them and report such verdict as you think fair and just."

Because this is not a correct statement of the law. It is not proper or correct standard for measuring damages or arriving at a verdict.

## XIII.

The court erred in reading to the jury and in submitting to the jury the second and third counts of the declaration. They are common-law counts, alleging such common-law negligence as that (1) the tracks were maintained on a fill higher than the main street that the truck was traveling; (2) that the crossing was in the main part of the town and was much used by the public; (3) that the approach to the railroad track was obscured, as to view, by a building and automobiles; (4) that defendant Railway, under the circumstances was guilty of gross and wanton negligence in failing to maintain a proper lookout on the engine; (5) that the defendant negligently opened its throttle and increased the speed of its engine in approaching the crossing; (6) that the engineer and fireman knew this was a much used crossing and with this knowledge negligently approached the crossing without having the engine and train under control; (7) that defendant failed to use due care in stopping or attempting to stop the train after the collision occurred; (8) that defendant's agents and servants heedlessly and recklessly operated the train; and (9) that after the train was brought to a stop defendant, its agents and servants negligently refused to move the train off the deceased Rumsey, but poured live steam upon him while penned in the truck.

Although the learned trial judge instructed the jury that the only issues involved were whether or not subsections 3 and 4 of section 2393 of the 1932 Code were complied with, his lengthy statements to the jury of the allegations of common-law negligence contained in said second and third counts of the declaration are bound to have affected the minds of the jury adversely to the Railway and influenced their verdict. It was the duty of the trial judge to withdraw from the jury said allegations or to have told them that proximate contributory negligence, if any, of plaintiff's intestate would bar any recovery in reference to said allegations.

## XIV.

The first count of the declaration was a statutory count with certain allegations of common-law negligence tacked in as surplusage. These common-law allegations were that (1) the Railway maintained its track on a steep embankment; (2) that the crossing was in the most congested area of the town; (3) that the view was obstructed by a bank building and automobiles; (4) that defendant negligently approached the crossing and poured live steam upon deceased Rumsey, burning him about the face, head, arms, chest, limbs, and body to such extent that he died.

The court erred in submitting to the jury these inflammatory and prejudicial recitations of common-law negligence and the reading and repeating them to the jury is bound to have influenced the jury adversely to the Railway, as indicated by the large verdict. Instead of these said allegations being paraded before the jury, the court should have withdrawn them from the jury's consideration.

## XV.

The court erred in refusing to give in charge to the jury defendant's special request No. I, which was seasonably made and which is as follows:

"In reference to the first count of the declaration, I charge you section 2393 of the 1932 Code of Tennessee is in part as follows:

"The driver of every motor vehicle is hereby required, when traveling any public road, street, or highway, to come to a full stop before crossing steam or interurban railroad tracks at grade, at a distance of not less than ten feet or more than fifty feet from the nearest rail of such track or tracks, whenever (1) a clearly visible and positive signal gives warning of the immediate approach of a car or railway train, or a"

"If you find from a preponderance of the evidence that in approaching the crossing in question the defendant gave a clearly visible and positive signal, giving warning of the immediate approach of the train, it was the positive duty of the driver of the vehicle to bring it to a full stop at a distance of not less than ten feet or more than fifty feet from the nearest rail of the railroad tracks; and if he failed to so stop said driver would be guilty of gross negligence and if the plaintiff's intestate knew, or in the exercise of ordinary care should have known, that the driver failed to comply with the requirements of said statute in time to have called it to the attention of said driver and failed to do so, as an ordinarily prudent person would or should have done, the said plaintiff's intestate would likewise be guilty of gross negligence, which negligence, if any, must be considered in mitigation or reduction of damages, if you allow any damages in favor of the plaintiff."

It was error to refuse said request in that it is a correct statement of the law, applicable to the facts in the case and its content was not covered by the general charge.

## XVI.

The court erred in refusing to give in charge to the jury defendant's special request No. XVI, which was seasonably tendered to the court and which is as follows:

"As to the second and third counts of the declaration, I charge you that if you find from a preponderance of the evidence that the defendant had someone upon the locomotive upon the lookout ahead as the train approached the crossing where the collision occurred, and that as soon as the vehicle in which plaintiff's intestate was riding appeared upon the crossing in striking distance of the train the defendant, through its agents, servants and employees, did everything within its power to prevent an accident, but that the vehicle appeared so suddenly as an obstruction in front of the train that the defendant, through its agents, servants, and employees, could not avoid an accident, the defendant would not be liable and your verdict must be in favor of the defendant."

The refusal of the court to give in charge to the jury said special request is reversible error in that said request contains a correct statement of the law which was applicable to the second and third counts of the declaration and the evidence and which was not given in substance or in fact by the court in the charge delivered to the jury.



The second and third counts of the declaration are common-law counts and, since the court read and submitted said counts to the jury, the defendant was entitled to have said requested instruction given in charge to the jury.

## XVII.

The court erred in refusing to give in charge to the jury defendant's special request No. XVIII, which was seasonably tendered in writing and which is as follows:

"As to the second and third counts of the declaration, I charge you that it was the duty of plaintiff's intestate, riding in the motor vehicle, to exercise his sense of sight and hearing in a way that an ordinarily prudent person similarly situated would have done in approaching the railroad track in question. If he failed to so do and such failure caused or directly or proximately contributed to the cause of the collision, his injury and death, such negligence, if any, would bar any right of recovery and your verdict must be in favor of the defendant."

The refusal of the court to give in charge to the jury said special request constitutes reversible error in that it is a correct statement of the law which is peculiarly applicable to the second and third counts of the declaration and evidence and which was not given in substance or in fact in the charge actually delivered to the jury.

Said second and third counts of the declaration are common-law counts, to which the defense of contributory negligence is a complete bar, if established by the proof, and, since the court read to the jury and submitted to the jury said second and third counts, the defendant was entitled to have said instruction given in charge to the jury.

## XVIII.

The court erred in refusing to give in charge to the jury defendant's special request No. XIX, which was seasonably tendered in writing and which is as follows:

"As to the second and third counts of the declaration, I charge you that if you should find from a preponderance of the evidence that plaintiff's intestate looked and listened, or looked or listened, for an approaching train as to the first track at which the motor vehicle in which he was riding arrived at, but failed to exercise the same degree of care as to the next track upon which the train was moving, such failure would amount to contributory negligence and if such failure, if any, proximately caused or directly or proximately caused or directly or proximately contributed to the cause of the collision, his injury and death there can be no recovery and your verdict must be in favor of the defendant."

The refusal of the court to give in charge to the jury said special request is reversible error in that it is a correct statement of the law, applicable to the second and third counts of the declaration and to the evidence and was not otherwise given in substance or in fact in charge to the jury by the court.

The second and third counts of the declaration are common-law counts, as to which the defense of contributory negligence was available to the defendant as a complete bar to any recovery. Since the court read and submitted said second and third counts to the jury, the defendant was entitled to the instruction requested by it.

## XIX.

The court erred in refusing to give in charge to the jury defendant's special request No. XXI, which was tendered in writing and which is as follows:

"As to the second and third counts of the declaration, I charge you that a railroad track is an admonition of danger and a person approaching same with knowledge of its location, is charged with knowledge that he is approaching a place of danger and he is required to exercise ordinary care by looking and listening to protect himself from the danger of any train that may be approaching in any direction. In the instant case, if you should

(Continued)

find from a preponderance of the evidence that plaintiff's intestate was familiar with the crossing in question, knew of the location of the track, and failed to exercise his senses of sight and hearing, as an ordinarily prudent person similarly situated would do, and that such failure, if any, caused or directly or proximately contributed to the cause of the collision, his injury and death, there can be no recovery and your verdict must be in favor of the defendant."

The refusal of the court to give in charge to the jury said special request constitutes reversible error in that it contains a correct statement of the law, applicable to the second and third counts of the declaration and the evidence and was not given in substance or in fact in the charge delivered to the jury.

The second and third counts of the declaration are common-law counts and as to said counts the defense of contributory negligence was and is available to the defendant as a complete bar to any right of recovery. Since the court read and submitted to the jury said second and third counts, the defendant was entitled to have said special request given in charge to the jury.

## XX.

The court erred in refusing to give in charge to the jury defendant's special request No. XXIII, which was seasonably tendered in writing and which is as follows:

"As to the second and third counts of the declaration, I charge you that if you find from a preponderance of the evidence that the view of plaintiff's intestate of the approaching train was obstructed by the parking of cars near the railroad track, it was his duty to exercise his sense of hearing to a greater extent because of said obstruction, if any. If you find from a preponderance of the evidence that his view was so obstructed and that he failed to use greater diligence because of said obstruction to discover the approach of the train by the exercise of his sense of hearing and that such failure directly caused or proximately contributed to the collision, his injury and death, the plaintiff cannot recover and your verdict must be in favor of the defendant."

The refusal of the court to give in charge to the jury said special request constitutes reversible error in that said request contains a correct statement of the law, peculiarly applicable to the second and third counts of the declaration and the evidence and same was not given in substance or in fact by the court in charge to the jury.

The second and third counts of the declaration are common-law counts, as to which the defense of contributory negligence was and is available to the defendant Railway as complete bar to any recovery. Since the court read and submitted to the jury said second and third counts, the defendant was entitled to have said special request given in charge to the jury.

## XXI.

The court erred in refusing to give in charge to the jury defendant's special request No. XXIV, seasonably tendered in writing, which is as follows:

"As to the second and third counts of the declaration, I charge you that plaintiff's intestate had a right to use and occupy the crossing in question. I charge you also in this connection that the defendant had a right to operate its train over said crossing at the time and place in question. Both the defendant and the plaintiff's intestate were charged with the duty of exercising ordinary care. If the defendant was negligent in any manner charged in the second or third counts of the declaration and plaintiff's intestate was likewise guilty of negligence (failure to exercise ordinary care) and such

(continued)



"failure, if any, on the part of plaintiff's intestate caused or directly or proximately contributed to the collision, his injury and death, there can be no recovery and your verdict must be in favor of the defendant."

The refusal of the court to give said request in charge to the jury is reversible error in that same contains a correct statement of the law and is peculiarly applicable to the second and third counts of the declaration and the evidence, and same was not covered by the charge delivered by the court to the jury.

Said second and third counts of the declaration are common-law counts, as to which the defense of contributory negligence was available to the defendant railway as a bar to any right of recovery. Since the court read and submitted to the jury the second and third counts of the declaration, defendant was entitled to have said special request given in charge to the jury by the court.

Defendant respectfully moves the court to set aside the verdict of the jury and any judgment thereon and grant to it a new trial upon each ground of its said motion for a new trial.

Respectfully submitted,

Walter Whitwell

Mack C. Simpson  
Attorneys for the Railway.

COURT THEN ADJOURNED UNTIL 16TH DAY OF MAY, 1942.

Dancy Fort JUDGE.

COURT MET PURSUANT TO ADJOURNMENT PRESENT AND PRESIDING HON. DANCY FORT, JUDGE  
MARY HALL RUMSEY,  
VS.

THE NASHVILLE, CHATTANOOGA & ST. LOUIS  
RAILWAY,

IN THE CIRCUIT COURT AT WAVERLY, TENNESSEE

ORDER

Came the Plaintiff and the Defendant, the Nashville, Chattanooga & St. Louis Railway, by their respective attorneys, by agreement and in accordance with orders heretofore entered upon the minutes of the Court in the above-styled cause, when the defendant Railway presented in open court its motion and amended motion for a new trial heretofore filed. Upon a consideration by the Court of said motion and amended motion for a new trial, as well as upon a consideration of the pleadings, the evidence, the entire record and after argument of Counsel, the Court over-ruled said entire motion for a new trial and each ground thereof. The Court further ordered that Plaintiff have judgment against the defendant Railway upon the verdict of the jury in the sum and amount of \$9,000.00 and cost, for which execution may issue. To the action of the Court in over-ruling its motion for a new trial and each ground thereof and to the action of the Court awarding judgment against the defendant and in favor of the plaintiff and to the said judgment of the Court of \$9,000.00 and cost, the said defendant Railway then and there excepted and now excepts and prepared an appeal in the nature of a writ of error to the next term of the Court of Appeals of Tennessee at Nashville, which is allowed. The said defendant is allowed thirty days from this date (May 16, 1942) within which to perfect its appeal according to law, and forty-five days within which to prepare, have approved and file with the Clerk a true and correct bill of exceptions.

Filed May 16, 1942.

L. C. Bohanan, Clerk.

John Rushton, D. C.

Dancy Fort  
Judge

Approved:

Attorney for Plaintiff

Attorneys for Defendant Railway

COURT THEN ADJOURNED UNTIL COURT IN COURSE.

Dancy Fort JUDGE