

Will of David O. Moore Continued

declares that the said writing herunto attached contains the said nuncupative Will and last will and testament of the said David O. Moore Dec^d

Declaration filed
Decr 21st 1887
Lewis Cooper CLK

Hacker & Wilson
Attorneys for PropONENT

Plea.

The Deft. Wilson Moore and Daniel Moore comes and for plea say that said paper writing purporting to be the last will and testament of said David O. Moore and filed with probonants declaration is not the last will and testament by nuncupation of said David Moore nor was the same made and executed as required by law and of this they put themselves upon the Country and demand a Jury to try the case

Plea filed Decr 22nd 1887
Lewis Cooper
CLK

J. J. Kirkpatrick
Atty for Pltff.

Circuit Court Monday April 16th 1888.

Be it remembered that at a Circuit Court began and held at the Court House in Jonesboro for the County of Washington and State of Tennessee on the 3^d Monday after the 4th Monday in March 1888 it being the 16th day of April 1888 present and presiding the Hon. Andrew J. Brown the elected to hold the Courts for the first Judicial Circuit of Tennessee when among other things the following proceedings were had and ordered to be entered of record, to wit,

Jonesboro Friday April 20th 1888

Nuncupative will of David O. Moore Contd. 603

Humphreys Glaze et al.

vs

W. B. Glaze et al

Devisavit Vel Non

Came the parties by their allies and also came a Jury of good and lawful men of Washington County, James Brobeck, H. Campbell, W. A. Haddock, P. N. Mattern, C. Smith, J. J. Gibson, E. Davidson, J. W. Sherfy, R. W. Morrell, James Hale S. B. Slaughter & W. M. Cooper who being elected tried and sworn the truth to speak upon the issue joined and there not being sufficient time to finish the consideration of this Cause to day the jury were respected from rendering their verdict until tomorrow

Monday April 23rd 1888.

Humphreys Glaze et al

vs

W. B. Glaze et al

Devisavit Vel Non

Came again the parties by their allies and also came the same Jury who were on a former day sworn in the cause to wit, James Brobeck, H. Campbell, W. A. Haddock, P. N. Mattern, C. Smith, J. J. Gibson, E. Davidson, J. W. Sherfy, R. W. Morrell, James Hale, S. B. Slaughter and W. M. Cooper, who upon their oaths do say that they find the issue joined in favor of Pltff, that the paper writing purporting to contain and be the last will of David O. Moore Dec^d is and does contain the nuncupative will of said David O. Moore Dec^d.

It is accordingly adjudged that said paper writing be adjudged back to the County Court of Washington County to be there further proceeded with as the law directs and it is further adjudged that the contestants David Moore and Wilson Moore and R. G. Moore, their Surety on their prosecution bond pay the costs of the case for which execution may issue, and thereupon Defts by Ally moves the Court to tax Pltff with attendance of the following witnesses summoned

by him and not examined. Deft having no witnesses summoned or in attendance who were not examined, to wit: A. B. Graham, W. A. Brayles, A. F. Mauk which motion is held over for consideration by the Court. this entry should have gone on Saturdays record but having been omitted it is entered now for them. Defts by Ally come and enters a motion for a new trial.

Jonesboro Tuesday April 21st 1888.

Humphreys Glaze et al.
vs.
Wm B. Glaze et al.

In this case on due consideration the Court overrules Defts motion for a new trial to which action of the Court Deft excepts in law and prays an appeal in error to the next Term of the Supreme Court of Tennessee to be held at Knoxville on the Second Monday of September next and Defts tendered their bill of exceptions which is signed and sealed and ordered to be made a part of the record of the case and said Appeal is granted on condition that Appellants execute bond as required by law which is accordingly done.

Humphreys Glaze
vs.
Wm B. Glaze

This Cause having been appealed to the Supreme Court, and the Supreme Court having at its last Term at Knoxville affirmed the judgment of this Court and the said Supreme Court having remanded the Cause to this Court to the end that the nuncupative Will of David O. Moore Decd may be certified back to the County Court of Washington County that proceedings may be had thereon as was adjudged by the Court and the Supreme Court. It is therefore considered by the Court that the judgment of

the Circuit Court heretofore rendered in this Cause be affirmed and that in pursuance of said judgment the said nuncupative Will of David O. Moore deceased be by the Clerk of this Court certified to the County Court of Washington County to the end that all further proper and legal steps may be taken with reference to said nuncupative Will by said County Court as the law directs and that the proponents Humphreys Glaze recover of the Defts David Moore and Wilson Moore & R. O. Moore the Surety within bond all the costs of this cause not heretofore taxed for which execution will issue.

Supreme Court Transcript

Court met pursuant to adjournment, present and presiding Chief Justice Peter Turner and associated Justices, W. C. Caldwell, W. C. Falkner, H. H. Burton and A. S. Snodgrass. The minutes of yesterday were read and signed and following business transacted

Wm B. Glaze et al.
vs.
Humphreys Glaze

This Cause came on to be heard on this the 7th day of Novr 1888 before the Hon Judges of the Supreme Court of Tennessee at Knoxville upon the transcript of the record from the Circuit Court of Washington County and the Assignments of errors by Petl in error and the Court being of opinion that there is no error in the judgment of the Circuit Court the same is in all things affirmed and the Cause is remanded to the Circuit Court of Washington County that nuncupative will of David O. Moore Decd be certified back to the County Court of Washington County that proceedings may be had thereon as was adjudged by the Circuit Court, Daniel Moore Wilson Moore Sureties R. O. Moore & J. W. Moore will pay the cost of the appeal.