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Clerk, Supreme Court of Appeals
Richmond, Va.

Record No. 6390

In the

Supreme Court of Appeals of Virginia

at Richmond

H. W. SHELTON, ET AL.

v.

PAUL BLESSING, ET AL.

FROM THE CIRCUIT COURT OF SCOTT COUNTY

RULE 5:12 BRIEFS

§5. Number of Copies. Twenty-five copies of each brief shall be filed with the clerk of this Court and three copies shall be mailed or delivered by counsel to each other counsel as defined in Rule 1:13 on or before the day on which the brief is filed.
§6. Size and Type. Briefs shall be nine inches in length and six inches in width, so as to conform in dimensions to the printed record, and shall be printed in type not less in size, as to height and width, than the type in which the record is printed. The record number of the case and the names and addresses of counsel submitting the brief shall be printed on the front cover.

HOWARD G. TURNER, Clerk.

Court opens at 9:30 a. m.; Adjourns at 1:00 p. m.

IN THE

Supreme Court of Appeals of Virginia

AT RICHMOND.

Record No. 6390

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Wednesday the 20th day of April, 1966.

H. W. SHELTON, ROBERT L. SMALLWOOD, JIM HARRIS, LUCIAN D. BLALOCK, RUSSELL D. MOODY, MELVIN BENTON, A. B. SMITH, T. B. WOLFE, E. D. QUALLS, E. L. SCOTT, VIRGIL SAMPSON, B. C. TURNER, BRYAN FRAZIER, N. W. DOUGHERTY, BETTY SUE McCONNELL, GEORGE P. STARNES, FLETCHER W. FRASYIER, ROY B. CARTER, CHARLEY BRICKLEY, M. B. BABB, JOE W. BEGLEY, E. C. BEGLEY, COLLIS BEGLEY, MARIE ANDERSON, JO V. BEGLEY AND J. H. OSBORNE, Plaintiffs in error,

against

PAUL BLESSING, ET AL., Defendants in error.

From the Circuit Court of Scott County
Joseph N. Cridlin, Judge

Upon the petition of H. W. Shelton, Robert L. Smallwood, Jim Harris, Lucian D. Blalock, Russell D. Moody, Melvin

Benton, A. B. Smith, T. B. Wolfe, E. D. Qualls, E. L. Scott, Virgil Sampson, B. C. Turner, Bryan Frazier, N. W. Dougherty, Betty Sue McConnell, George P. Starnes, Fletcher W. Fraysier, Roy B. Carter, Charley Brickley, M. B. Babb, Joe W. Begley, E. C. Begley, Collis Begley, Marie Anderson, Jo V. Begley and J. H. Osborne a writ of error is awarded them from an order entered by the Circuit Court of Scott County on the 30th day of September, 1965, in a certain proceeding then therein depending, entitled, In Re: Petition for Referendum; upon the petitioners, or some one for them, entering into bond with sufficient security before the clerk of the said circuit court in the penalty of three hundred dollars, with condition as the law directs.

RECORD

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PETITION FOR REFERENDUM

This cause came on to be heard upon the papers formerly read herein; the report of Birg Sergent, Special Commissioner, filed in the cause on the 18th day of September, 1965; the exceptions of H. W. Shelton, et als, filed on the 24th day of September, 1965, the answer of petitioners to the exceptions filed on the 27th day of September, 1965; and was *argued* by counsel.

On consideration whereof the Court doth overrule all the exceptions to the said report, and doth confirm the said report in all respects.

And it appearing to the Court that 15 per centum of the qualified voters of Scott County, Virginia, to-wit: 1433, have filed a petition with the Circuit Court of Scott County, Virginia, asking that a referendum be held on the question of adopting the County Board Form of County Organization and Government;

It is hereby ordered that the regular election officials at the next regular election after the effective date of this order, take the sense of the qualified voters of Scott County, Virginia, as to whether they approve of the adoption of the County Board Form of County Organization and Government, pursuant to section 15.1-699 of the Code of Virginia.

It is further ordered that the cost of this proceeding shall be paid by Scott County, Virginia.

And the said H. W. Shelton, et als, feeling themselves aggrieved by the action of the Court in confirming the report of the commissioner and ordering an election, page 111] signify their intention of applying for a writ of error and moved the Court for a suspension of this order for a period of 60 days, which said motion is hereby granted and it is ordered that this order be stayed for a period of 60 days from this date, and in the event an appeal is properly perfected, until such time as the Court of Appeals renders its decision therein.

And this case is passed.

Enter this order this the 30th day of September, 1965.

JOSEPH N. CRIDLIN, Judge

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NOTICE OF APPEAL AND ASSIGNMENTS OF ERROR

To: Ford Hubble, Clerk, Circuit Court of Scott County, Virginia

Respondents, H. W. Shelton, et al, by counsel, hereby give notice pursuant to Rule 5:1, § 4, of the Rules of the Supreme Court of Appeals of Virginia, of their appeal from that certain judgment rendered in this cause by Order entered herein on the 30th day of September, 1965.

Pursuant to said rule respondents H. W. Shelton, et al, by counsel, assign the following errors:

1. The trial court erred in confirming the Special Commissioner's report as to the number of qualified voters in Scott County for purposes of this proceeding since he excluded those who had not paid a poll tax.

2. The trial court erred in confirming the Special Commissioner's report as to the number of qualified voters in Scott County for the purposes of this proceeding since he excluded those who were members of the armed forces.

3. The trial court erred in confirming the Special Commissioner's report as to the number of qualified voters in Scott County who signed the Petition since he included in said number (a) individuals whose signatures were signed by others with prior authority but in their absence, (b) individuals whose signatures were signed by others without authority even though such acts were subsequently ratified

page 118] and (c) individuals whose signatures were signed by others without either prior authority or subsequent ratification.

4. The trial court erred in confirming the Special Commissioner's report as to the percentage of qualified voters

in Scott County who signed the Petition since said percentage was based on improper computation.

5. The trial court erred in ordering that a referendum be held on the question of adopting the county board forms of government at the next regular election in Scott County.

H. W. SHELTON, ET AL,
By Counsel

EDGAR BACON
Jonesville, Virginia

PENN, STUART & MILLER
208 East Main Street
Abingdon, Virginia

By ANDREW P. MILLER
COUNSEL FOR RESPONDENTS

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Filed Nov. 27, 1965.
FERNA DARNELL, D. Clerk.

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Sp. Comm.
page 19]

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MARJORIE BAKER

after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Newman:

Q. Mrs. Baker, did you sign this Petition for a Referendum for change of the County Government of Scott County?

A. I did not.

Q. Were you present when your name was signed to it?

A. Well, I was in the house, but we had already discussed it

and I give my husband authority and when they come around that he could sign it.

Q. Now how long had that been?

A. Oh, I don't know. It was about the first of the year. I don't know how long.

Sp. Comm. page 20] Q. You mean it was several months before this happened? So far as the signing?

A. Well, they discussed it. I had heard it, things about it, but I don't know exactly when it was. It might have been February. I don't really know what month it was.

Q. Well, was it a month or two, or three, before this Petition was brought around?

A. That we discussed it?

Q. Yes?

A. Oh, no. It wasn't that long.

Q. How long was it?

A. I really don't know, but I would say a week or two.

Q. Now why did you give your husband authority to sign your name? You can write, can't you?

A. Yes. But I thought when they come around with it there wouldn't be any use to come to me when he could do it. He could do it as good as I could.

Q. Well, does he sign your name to all important documents?

A. Well, some.

Q. In other words, you were trying to constitute an agent to sign a petition to change the form of government?

Sp. Comm. page 21] Mr. Newman: I object to that question as a legal question that this witness wouldn't know.

Mr. Bacon: Well, we will see whether she does or not.

The Commissioner: I will allow her to answer. It is a legal question and calls for a legal conclusion but let her answer it if she knows.

A. Well, I would like to see everybody have the right to exercise their vote.

Q. Well, you weren't exercising your right when you allowed someone else to sign your name —

A. Oh, I wouldn't call that nothing. Me and him, I sign

his name to lots of things and he signs mine.

Q. As far as this signing here was concerned you were actually trying to make someone else eligible to sign your name to a petition to change the form of government in the county, weren't you?

A. Well, the way I see it I give him the authority to do it and I don't care what, we don't have no mix up about the signing of our names just between me and him, but I wouldn't give nobody else authority to do it if that is what you mean.

Q. Did you know what you were doing when you gave him authority here?

Sp. Comm. page 22]

A. Oh, sure, I believe I do.

Q. And what were you authorizing him to do?

A. Well, to change our form of government that everybody would have the right to elect their own officials you know.

Q. Yes. And that is what you gave him authority to do?

A. Yes.

Mr. Bacon: All right.

Mr. Newman: That is all, Mrs. Baker.

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Sp. Comm. page 43]

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ARLIE C. KERN,

the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:

Q. You are Arlie C. Kern?

A. Yes, sir.

Q. Where do you live, Mr. Kern?

A. Over in what you call Mabe.

Q. Is your wife, Virginia?

Arlie C. Kern

A. Yes, sir.

Q. Did you sign the petition in respect to the change in the form of government in Scott County?

A. Well, I didn't sign it. We talked about it and she signed for me. We talked about it and she signed it.

Q. Where were you when the petition was brought around?

Sp. Comm. page 44]

A. I don't know exactly.

Q. You have any idea?

A. Well, not right off, but I knowed it was coming.

Q. You knew that there was one in the neighborhood?

A. That's right.

Q. How long had you and your wife known it was coming?

A. Well, I don't know that. A day or so you know. I had heard it that it was, you know I mean, I had heard it a day or so maybe.

Q. Did you take any steps to find the man that was carrying it so that you could sign it or anything of that nature?

A. Well, no, not right off. I am kind of a busy man. I have got a grocery store and I knew that the person would bring it around.

Q. Well, did they bring it to your store?

A. Yes, sir. They did.

Q. Was that before or after your name was put on it?

A. I don't remember. What do you mean?

Q. Did they bring it to your store before or after your name was on it?

Sp. Comm. page 45]

A. I would say it was before because they put it on it when she brought it.

Q. You don't know where you were then, you were probably at the store or gone somewhere, or something of that nature?

A. That is right.

Q. And as far as you are concerned you did not direct anyone to put your name on that petition?

A. We talked about it.

Q. In other words you talked that you were both favorable to it?

A. Yes, that's right.

Q. But so far as directing anyone to put your name on the petition, or a particular petition to sign for you, you

did not direct anyone to sign for you?

A. Now I don't know about that. I don't know whether I did tell her or not. I wouldn't say for sure whether I did or didn't.

Mr. Bacon: That's all.

CROSS EXAMINATION

By Mr. Newman:

Q. Was it satisfactory with you for her to sign your name on it?

A. That's right. It was.

Sp. Comm. page 46]

Q. And you all had discussed it?

A. We had talked about it yes. My name, I wanted it on there. If I had been there at the time, I would have put it on there.

Q. And you still want it to stay on there?

A. I still want it to stay right there.

Mr. Newman: That's all.

By The Commissioner:

Q. Did you say it was on there when it was brought to your store?

A. I don't guess it was because she signed it when they brought it around. The Lady brought it around. We knowed it was coming around. We had done and already talked about it.

The Commissioner: That's all, Mr. Kern.

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Sp. Comm. page 83]

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Florie Myrtle Shupe

FLORIE MYRTLE SHUPE,
the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:

Q. You are Florie Myrtle Shupe?

A. Yes, sir.

Q. Mrs. Shupe, did you sign the petition with respect to the change of government in Scott County?

A. I don't believe I signed it but I authorized my husband to sign it. He was carrying the petition.

Q. Now who was your husband?

A. Theadore Shupe, or T. R. Shupe.

Q. Well, had he signed the petition?

A. I don't know but I imagine he has. I don't know.

Q. Do you know whether or not your husband signed your name to it?

A. He said he did. That is all that I know.

Q. Well, you don't know when it was done or where it was done?

A. Well, he was at the store and I wasn't down there. And I told him "Well, just put my name on the paper."

Sp. Comm. page 84]

Q. Well, how did you tell him if you weren't down there?

A. He was at home. He came home at night. And he was telling me about it and I said "Just put my name on it, too."

Q. You didn't even know what the petition was and you haven't seen it, have you?

A. No, he just told me that it was to change this form of schools.

Q. And as far as any name on here it is not any official signature of yours?

A. Not on my handwriting I would say no.

Mr. Bacon: All right.

CROSS EXAMINATION

By Mr. Newman:

Q. Did it make any difference to you where your hus-

band was when he signed your name?

A. Well, he was at the store at his business.

Q. What I am asking you is whether it made any difference to you whether he signed it down at the store, or whether he signed it in your house?

A. Why, no. I don't think he would sign anything unless I would tell him to sign my name to it.

Q. And it was agreeable with you for him to sign your name?

Sp. Comm. page 85] A. Yes, sir.

Q. And it is agreeable right now for your name to stay on there, isn't it?

A. Yes, sir. If my husband put my name on there, it is agreeable. It is just the same as me writing it the way I look at it.

Mr. Newman: That's all.

By The Commissioner:

Q. Mrs. Shupe, just a minute? Is this your writing? Is this your signature? (Shows petition to witness.)

A. No, I don't think so.

Q. Who do you think wrote it?

A. I think my husband did.

Q. Now when you told him this, did you tell him before or after? Did you tell him to sign it before or after he signed it?

A. He asked me if I wanted to sign it and I told him to just go ahead and sign it instead of him bringing it up there to me to sign.

Q. And then what did he do?

A. I don't know. I don't know whether he signed it or not but that is his writing. I would say that writing is his'n.

Q. That is your husband's writing?

Sp. Comm. page 86] A. Yes.

Q. Well, what I am trying to get at, did he leave the house and go down to the store and sign it or had he already signed it when he talked to you?

A. He said "Would it be all right for him to sign it or must he bring it up there?" And I said "You just put my name on it."

Syble Shupe

Q. Well, then, did he go down to the store?

A. Well, he went down there every day. He goes down there every day because that is his business.

Q. Oh, he runs the store?

A. He runs the store all the time.

The Commissioner: All right. Thank you.

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SYBLE SHUPE,

the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:

Q. You are Syble *Shube*?

A. Yes, sir.

Q. Where do you live, Mrs. Shupe?

A. It is on the Clinchport Route.

Q. Did you sign this petition with respect to this Scott County change in government?

Sp. Comm. page 87] A. My husband signed for me and I was willing for it.

Q. Where were you when he signed it?

A. I was at home.

Q. And where was he?

A. He was down at Duffield at the store where we trade.

Q. Well, you didn't know when it was done or how it was done?

A. Yes, he told me about it.

Q. When he came back, he told you that he signed your name?

A. Yes.

Q. But you didn't have anything to do with it and you didn't know when it was done or anything like that except when he came back in and told you that he had signed it?

A. When he came back in, he told me about it and I was willing for it.

Mr. Bacon: All right.

Syble Shupe

CROSS EXAMINATION

By Mr. Newman:

Q. What is your husband's name?

A. Wayne Shupe.

Q. And what store are you talking about?

Sp. Comm. A. T. R. Shupe and Jessee.

page 88] Q. And you say it was agreeable with you for your husband to sign your name?

A. It sure was.

Q. Had you and he discussed this before he signed it?

A. We had talked about it, yes.

Q. And did you talk about any authorization for him to sign it before he signed it?

A. If he thinks something is right, I go along with him.

Q. It is agreeable with you even now for your name to remain on this petition?

A. It sure is.

Mr. Newman: That is all.

REDIRECT EXAMINATION

By Mr. Bacon:

Q. But as far as you were concerned, you didn't know when it was signed nor anything about it until he came home later and told you?

A. Well, the petition was out and he went down there and they had him sign it.

Q. And he signed both your names, yours and

Sp. Comm. his too?

page 89] A. Yes.

Q. And then he came back later on to your home and told you about it?

A. That wasn't but just a few minutes.

Q. And you said "Well, that is all right for you to go ahead and sign my name?"

A. Sure I did.

Q. But he had already signed it before that, hadn't he?

A. He knew it was all right with me. We talk things over.

Q. As far as you are concerned, whatever he does you

agree to it and whatever you do, he agrees to it?

A. As long as it is something like this, yes.

Mr. Bacon: All right. Stand aside.

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Sp. Comm.
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CAROL HASS,

the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:

Q. What is your name?

A. Carol Hass.

Q. Did you sign this petition with respect to the changing of the Scott County form of government?

A. My husband signed it. He signed my name.

Q. Where were you?

A. I was at home. He signed the one that Theadore Shupe had.

Q. At the store?

A. Yes, at the store.

Q. And you weren't there?

A. No.

Q. And you didn't know anything about it being done until he told you about it later on?

A. Not until he told me about it.

Q. And that is the first you had heard of the petition at all was when he came home and told you that he had signed your name to it?

Sp. Comm.
page 93]

A. Well, he didn't tell me that day when they had the petition up around about McMurray. He told me about the one he signed for the schools and we didn't sign the one they had against McMurray.

Q. Yes?

A. But he told me that he signed this one, that it was business.

Carol Hass

Q. When did he tell you that he had signed it?
A. I don't know exactly how long.
Q. You don't know how long it was afterwards?
A. No.
Q. And you don't know when this was signed then?
A. No, you will have to ask him that.

Mr. Bacon: All right. That is all.

CROSS EXAMINATION

By Mr. Newman:

Q. Was it satisfactory with you, Mrs. Hass, for him —

A. Yes, it was. If I had been with him and he had signed it, I would have signed it, too.

Q. And is it satisfactory with you for your name to remain on there today?

A. Yes. I think the people ought to vote on what they want.

Mr. Newman: All right.

Sp. Comm.
page 94] REDIRECT EXAMINATION

By Mr. Bacon:

Q. What did your husband explain to you that he did? That he signed your name to a petition to vote on the School Board?

A. He was told and he read that it was to vote on school officials instead of them being appointed.

Q. That the people would be allowed to vote on them?

A. Yes, they would be allowed to vote.

Q. And you wouldn't have been agreeable for him to sign your name to a petition that would allow the school officials to be appointed by somebody else, would you?

A. I don't understand what he signed because I didn't know about it but he thought he understood it, and I listen to him and he listens to me and we talk things over.

Q, But that was after it was done? And you don't know how long it had been before that that he had signed it?

A. No.

Mr. Bacon: That is all.

Ted Murphy

RECROSS EXAMINATION

By Mr. Newman:

Q. Mrs. Hass, let me ask you another question?

Sp. Comm. page 95] Was it your understanding that this petition was people to vote on the change of the form of county government?

A. I understood it was the schools.

Q. Was it for an election or not, or do you remember?

A. I understood it was to vote on the officials in the school instead of them being appointed. That is the way I understood it.

Q. Do you know whether it was anything about an election for changing the form of government?

A. I told you how that it would be voting on an election is when people are allowed to vote. If it is allowed.

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Sp. Comm. page 108]

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TED MURPHY,

the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:

Q. Are you Ted Murphy?

A. Yes.

Q. Mr. Murphy, where do you live?

A. I live in Johnson District, about 15 miles North.

Q. Did you sign a petition with reference to changing the form of government in Scott County?

A. I sure did.

Q. Where did you sign it, Mr. Murphy?

A. Well, I thought it ought to be changed.

Q. Where? Where did you sign it?

Ted Murphy

A. Where?
Q. Yes?
A. Up at the Valley Creek Grocery Store.
Q. Who owns the store?
Sp. Comm. A. Joe Easterling.
page 109] Q. And did you sign any other names to it there?
A. I signed my wife's and my daughter's names. That is all I signed besides my own.
Q. Where were they when you did that, Mr. Murphy?
A. Well, my wife was at home and my daughter was at Kingsport.
Q. Your daughter was at Kingsport?
A. Yes.
Q. You say Mr. Easterling was carrying the petition?
A. No, I said it was there at his store.

Mr. Bacon: All right.

CROSS EXAMINATION

By Mr. Newman:
Q. What is your wife's name?
A. Janelle.
Q. And your daughter's name is Jeanette?
A. Jewette.
Q. And how do you spell that?
A. JEWETTE
Q. Did they authorize you to sign their names?
Sp. Comm. A. No, they didn't tell me to but they would
page 110] have signed it if they had been there.
Q. Did you talk with them about it later?
A. I don't know that I did.
Q. Well, I mean did you tell them that you had signed their names, that is what I mean?
A. Yes, I did.
Q. Well, did they approve it later or disapprove it?
A. They approved it.
Q. Are they here today?
A. No, sir. My daughter is in the hospital and my wife is at home.

Ted Murphy

Q. When did you tell them that you signed it in reference to when you signed it?

A. Probably back in the spring, or whenever it was.

Q. I don't mean there? You said you signed it one day, did you tell them that day or did you tell them later?

A. I told them that evening when I went home.

Q. And what did they say at that time?

A. They never said a thing. They wasn't against it.

Q. Well, were they for it?

Sp. Comm. A. Yes.

page 111] Q. Do you know whether they are still in favor of it or not?

A. I think they would be.

Mr. Newman: That's all.

By The Commissioner:

Q. Had you discussed this before? Now as I understand it you testified that you signed your name, your wife's and your daughter's?

A. That's right.

Q. Had you discussed this in the home before you signed it?

A. No.

Q. You had not?

A. No, sir.

Q. And you had no prior authorization from them to sign it?

A. No, sir.

The Commissioner: All right.

RECROSS EXAMINATION

By Mr. Newman:

Q. But they approved it later? Is that correct?

A. Yes, that is right.

Mr. Newman: That is all.

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Sp. Comm.
page 112] JANELLE MURPHY,
the next witness called by the Commissioner, was reported not present by the Sheriff.

JEWETTE MURPHY,
the next witness called by the Commissioner, was reported not present by the Sheriff.

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Sp. Comm.
page 117]

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HUBERT ADDINGTON,
the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:
Q. Mr. Addington, I believe that you did not sign this petition?
A. No, I didn't. I had my wife to.
Q. Now how did you have your wife to do it?
A. Well, I just asked her to sign it for me.
Q. Where were you when you asked her to do that?
A. I was at home.
Q. And who had the petition at that time?
A. Nathan Kilgore.
Q. And was Mr. Kilgore there, and your wife
Sp. Comm. was there, and etc., and you just asked her to go
page 118] ahead and put your name on it?
A. I told her if I was gone, if they come along with it, to go ahead and sign it.
Q. Well, were you there?
A. I am not positive whether I was or whether I wasn't. I don't definitely know.
Q. Did you know what the petition was? Had you read it?

Hubert Addington

A. I read part of it. I didn't get it all read. We were discussing it and something come up and we had to go, and I said "When he comes back, go ahead and sign it."

Q. Why didn't you sign it when you had the petition, Mr. Addington?

A. There was something come up and I had to go. We got in a discussion over what the contents of it was, and we stepped out and kindly got separated from him and I just read over part of the contents of it. Somebody called me and I stepped out, and I don't remember just what happened.

Q. Was that the time your name was put on it?

A. No. No, it was not that day.

Q. Who had it that day?

A. Kilgore.

Sp. Comm. page 119]

Q. Did he ask you to sign it or say anything to you about signing it?

A. He said he had a petition for the schools and that he would like for me to look over it.

Q. And what did you understand it meant for the schools, Mr. Addington?

A. Well, that is what the discussion come up over when he said that comment on it. You know we had a discussion as to what it was about.

Q. Answer this: Did you think that you were signing a petition, or going to favor a petition and did favor it after your wife had signed your name to it, that would permit you and other citizens of Scott County to elect the school officials?

A. No.

Q. What did you have in mind?

A. No, we would have a voice in it, and we ought to have a say so in it. I thought if I understood the details right that we would have a voice in helping to elect them and that would give us a little detail to go on.

Q. In other words, you felt like you would have some vote for the school officials?

A. Well, I would have some voice in the schools.

Q. What did you feel like the petition stated with reference to having voice in the schools?

Sp. Comm.

A. We would have a say in saying who was who and who wasn't.

page 120] Q. In other words, who was to be the School Superintendent and who was to be on the Board, and who was to be the teachers in the school next to you, and so on?

A. Well, we would elect them in Scott County.

Q. Yes, you would elect them? And that is what you felt if you were around when that petition came back, that you would sign it?

A. Yes, sir.

Q. And you don't know whether you were there the day she signed it or not?

A. No, I don't. I wouldn't definitely state that. I don't know whether I was there but I told her if Kilgore come back with it, that it was all right just to go ahead and sign it.

Q. And you were authorizing her to sign a petition that you would consider to give you a right to vote and have a voice on who was on the School Board..

A. To have a change in the School Superintendent and school elections, and all this other stuff.

Mr. Bacon: All right.

CROSS EXAMINATION

By Mr. Bacon:

Q. Was it your understanding that this was for an election to change the county form of government?

Sp. Comm. page 121] A. Yes, sir. I will sign it again if you want me to. If you got one today, I will sign it again.

The Commissioner: That is all, Mr. Addington.

(Witness stands aside)

★ ★ ★ ★ ★

Sp. Comm. page 130] LINDSEY LAUGHLIN,

the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:

Q. Where do you live, Mr. Laughlin?

Lindsey Laughlin

A. Moccasin. Fulkerson District.

Q. Did you sign one of these petitions that was circulated in your area?

A. Yes. They said it was to elect the government you know for the people to have a say in it.

Q. To pick the School Board?

A. Government you know for all things.

Q. Now did you sign some other names to it also?

A. Well, my wife, she is supposed to be there on it, and I had two boys that could vote but they ain't here. One of them lives in Tennessee now and the other one is working. They wouldn't come.

Q. You *singed* their names though, didn't you, Mr. Laughlin?

A. Yes, I told them they voted that they could.

Q. In other words, you told the man that was carrying the petition that there were so many in your family and you just put their names on there?

Sp. Comm. A. I told them that they voted.

page 131] Q. And you put their names on? Were the boys working in Tennessee at that time?

A. Well, he hadn't moved over there right then when they brought that around. They said they would be allowed to vote.

Q. Well, he wasn't with you though, was he?

A. No.

Q. In other words, what you did you listed the names that were in your family that would be allowed to vote on these county officials?

A. Yes.

Q. And you put their names on this petition?

A. That's right.

Q. Yours and your wife's, and your two boys?

A. Yes.

Q. They were of sufficient age and they would have been allowed to vote later on?

A. They can vote anyhow now. They are on the list I reckon now.

Q. But what you considered was they would have been eligible to vote for the county officials in any election called later on?

A. Yes.

Mr. Bacon: I believe that is all.

Sp. Comm.
page 132] CROSS EXAMINATION

By Mr. Newman:

Q. Mr. Laughlin, what are the names of the people whose names you put on this petition?

A. Well, mine and my wife's.

Q. What is your wife's name?

A. Willie Kate Laughlin.

Q. O. K.? And what are your childrens' names?

A. Jimmy and LeRoy.

Q. In other words, you signed 4 names then?

A. Yes.

Q. Now was your wife present when you signed her name?

A. No, she was at the house.

Q. Oh, you didn't sign it at the house?

A. No.

Q. Now did Jimmy and all these people authorize you to sign their names?

A. They said I could sign it.

Q. I mean did they tell you this before the petition came around?

A. No.

Q. Well, when did they tell you?

A. They said they would be allowed to vote.

Sp. Comm. Q. Well, I am not asking you that? I am asking
page 133] you about this petition now?

A. Yes.

Q. You say they told you that you could put their names on there? Now when did they tell you that?

A. No, they never told me that.

Q. Oh, they didn't tell you that?

A. No.

Q. Well, did you tell them after you had put their names on there that you had done it?

A. Yes, I told them that they said if they had a vote on it, that they would be allowed to vote.

Q. Well, did they approve you doing this?

A. They never said a thing about it.

Lindsey Laughlin

Q. Well, did you gather that they approved it or didn't approve it? What I am trying to get at, did they authorize you to do it? Before you did it or after you did it?

A. Now they said they could vote if I put their names down.

Mr. Bacon: That is the man that was carrying the petition that he is talking about.

Q. Oh, you are talking about the man —

A. Yes. Yes, that's right.

Sp. Comm. page 134]

Q. I am talking about your wife and your two sons?

A. No, they never signed it themselves.

Q. I understand that, Mr. Laughlin? You signed their names?

A. Yes.

Q. Now, did they authorize you to sign their names either before you signed it or after you signed it?

A. No, I just signed their names. They said it was legal to vote —

Q. I am not talking about what the man that carried the petition said? I am talking about what your children and your wife did? Did you ever tell your wife and your children that you signed their names on the petition?

A. Yes, I told them it was around and I put their names down on it and they would be allowed to vote in it if anything come up.

Q. Who said that?

A. The one that brought the petition around.

Q. Forget about what the fellow said that brought the petition around. Now what I want to know is what your wife said and what your two boys said about your putting their names on here?

A. Well, they wouldn't come.

Q. I am not talking about coming? Did you ever tell your wife that you put her name on that petition?

Sp. Comm. page 135]

A. Yes.

Q. Now when did you tell her that?

A. Well, I told her they were through and I put it down, signed their names to allow them to vote.

Lindsey Laughlin

Q. What I am trying to get at, Mr. Laughlin? Please try to answer what I am asking you? You signed your wife's name to this petition, didn't you?

A. Yes.

Q. Now when did you tell her about it?

A. Well, I told her what I did.

Q. Well, did you tell her that day or sometime later?

A. I told her then.

Q. That day?

A. Yes.

Q. Was she present when you signed her name?

A. No.

Q. Now when you told her, what did she say?

A. She never said anything.

Q. Well, did she disapprove of it and say that you shouldn't have done it, or did she approve it?

A. She didn't say a thing about it either way.

Q. What about your sons?

A. Well, *theynever* either.

Sp. Comm. page 136] Q. None of them either disapproved it or approved it? Is that what you are saying?

A. That is right.

Q. Well, O. K.?

A. They are working and they wouldn't come.

REDIRECT EXAMINATION

By Mr. Bacon:

Q. Mr. Laughlin, I believe you say that later on you told your wife —

A. Yes, I told her.

Q. That you put her name on there? That the man carrying the petition said all of the *name* of the people who could vote ought to be put on the petition because they would be able to vote on the question later on?

A. Yes, that's it.

Q. And that is what you did, wasn't it?

A. That's all I know about it.

Mr. Bacon: All right. That's all.

Lindsey Laughlin

RECROSS EXAMINATION

By Mr. Newman:

Q. Anyway you are willing for your name to be on there, aren't you, Mr. Laughlin?

A. Yes, I signed it.

Mr. Newman: All right. That's all.

Sp Comm.
page 137] By The Commissioner:

Q. Mr. Laughlin, did you understand you were signing a petition to get an election of some sort?

A. Well, they said we could elect the government, the people could, the officers, and the School Board and everything you know.

The Commissioner: All right.

FURTHER RECROSS EXAMINATION

By Mr. Newman:

Q. You understood that if this petition was approved that there would be an election, didn't you?

A. Yes, sir.

Q. To change the form of government? It that correct?

A. Yes, it would come to a vote.

Q. And you were willing for the people to have a right to vote on it? Is that right?

A. That is what I thought would be all right.

Q. Well, was that the reason you signed it?

A. Yes.

Mr. Newman: That's all.

FURTHER REDIRECT EXAMINATION

By Mr. Bacon:

Sp. Comm.
page 138] Q. I believe you say, Mr. Laughlin, that they told you they would elect the School Board and other officials? Is that right?

A. Yes.

Mr. Bacon: All right.
Mr. Newman: That is all, Mr. Laughlin.
The Commissioner: All right. Thank you.

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WILLIE KATE LAUGHLIN,
the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:
Q. What is your name?
A. Willie Kate Laughlin.
Q. You are the wife of Lindsey Laughlin?
A. Yes.
Q. Mrs. Laughlin, did you sign a petition that was brought around into your neighborhood?
A. Well, my husband signed it for me.
Q. He signed it for you?
A. Yes.
Q. You didn't know anything about the petition or anything of that nature, what it was for, or anything of that nature?
Sp. Comm. page 139] A. Well, he said it was something they had up about the schools.
Q. But you didn't even know it was going to be signed or anything of that nature until after your husband had already signed it, did you?
A. Yes. Well, he asked my husband you know how many could vote at our house.
Q. Yes?
A. And he told them. And there were 4 of us.
Q. And then your husband just went ahead and put down all of your names?
A. Yes.
Q. I believe, Mrs. Laughlin, that your husband said he was informed that he was to put your name on that petition if your folks were eligible voters? And that it had something to do with the schools? Did you understand that it was to give you and your boys a right to vote to elect the School Board and the school officials?

Willie Kate Laughlin

A. Yes.
Q. And you found out about it though after it was already done?
A. Yes.

Mr. Bacon: All right. That is all.

Sp. Comm.
page 140] CROSS EXAMINATION

By Mr. Newman:
Q. Did you approve of your husband signing your name on there?
A. Why, yes.
Q. And that was satisfactory with you?
A. Yes. I didn't disagree with it.
Q. And is it still satisfactory that your name stay on that petition?
A. Yes.

Mr. Newman: That's all.

REDIRECT EXAMINATION

By Mr. Bacon:
Q. If it has to do with electing the School Board, you are in favor of it?
A. Yes, I am in favor of it. I believe we ought to do that.
Q. But you wouldn't be in favor of it if it was a question of the School Board and the school officials being named by some other official, would you?
A. No.

Mr. Bacon: All right.

RECROSS EXAMINATION

By Mr. Newman:
Sp. Comm. Q. Mrs. Laughlin, did you understand that this
page 141] was an election for the people to vote on whether to change the county form of government or not? Was that what it was?
A. Yes, that is the way I understood it.

Joseph David Shelton

Mr. Newman: That's all.
Witness: Are you through with me?
The Commissioner: You are excused.

JIMMY LAUGHLIN,
called as witness by the Commissioner, was reported not present by the Sheriff.

LEROY LAUGHLIN,
called as witness by the Commissioner, was reported not present by the Sheriff.

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Sp. Comm.
page 142]

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JOSEPH DAVID SHELTON,
the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

Sp. Comm.
page 143] DIRECT EXAMINATION

By Mr. Bacon:
Q. You are *David Joseph* Shelton?
A. Yes, sir.
Q. Mr. Shelton, I believe that you did not sign this petition that was circulated through your neighborhood?
A. No, my wife signed it.
Q. Where were you at that time?
A. I was in bed sleeping, working grave yard, and she don't wake me up for anything. I knew it was in the community and I told her when it come around for her to sign my name to it. She signs everything else. When they come to measure tobacco, she signs that, and that is Federal Government. Anything else my signature needs to be put on she signs it. If I had been awake, I would have signed it. And I will sign it again if another one comes around.
Q. Well, you didn't sign this one though, did you?

Joseph David Shelton

A. No, sir. But my wife signed it with my permission.

Q. Now you didn't even know when it was signed then, did you?

A. Yes, when I woke up, she told me.

Q. I mean you didn't know when it was signed?

Sp. Comm. page 144]

A. No.

Q. Did you read it?

A. No, I didn't read it.

Q. Did you know what it contained?

A. I knew what it was about.

Q. You knew something of the nature of it but you didn't read it, did you? And you never have read it, have you?

A. I believe I have seen one of them, yes, sir.

Q. After or before your wife signed your name to it?

A. Well, I don't remember.

Q. And you didn't know actually when you were telling your wife to sign what the petition contained, did you?

A. I knew it was to try to clear up some of this mess we have got up here.

Q. Yes? And you knew it had to do with something about the School Board?

A. Yes.

Q. And you were objecting to the School Board?

A. Yes.

Q. And you were objecting the manner in which they were selected?

A. And the way they were carrying on.

Sp. Comm. page 145]

Q. And the way they were carrying on?

A. And I still object to them.

Q. And that was what you authorized your wife to sign? Anything that had to do with objecting to the School Board?

A. Anything to try to get better schools. I am for it.

Q. And that was what you were authorizing her to sign, wasn't it?

A. Yes, sir.

Mr. Bacon: All right.

CROSS EXAMINATION

By Mr. Newman:

Q. You knew it was a referendum for an election to vote on whether we wanted to change the county form of government?

A. Yes, change the county form of government and that way we can have a little choice maybe in getting our School Board Members in. We won't have the same ones we have had all the time maybe.

Mr. Newman: That's all.

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Sp. Comm.
page 158]

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ELMER SMITH,
the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:
Q. Mr. Smith, did you sign this petition?
A. My wife signed it for me. I wasn't at home.
Q. Do you know who was carrying it?
A. I believe A. D. Baker. I am not for sure who it was.
Q. Had you read it?
A. Yes, I had read them but I hadn't signed them.
Q. Did you have an opportunity to sign one yourself?
A. No, not exactly. I left before they passed them out up here at the school house.
Q. But you were not at home when this petition was brought by and your wife signed it for you?
Sp. Comm. A. I wasn't at home but I was willing for her
page 159] to sign it. I didn't have any objections.
Q. In other words, you didn't object after you found out that she had done so?
A. No.

Mr. Bacon: All right.

CROSS EXAMINATION

By Mr. Newman:
Q. Did you all discuss it beforehand, Mr. Smith?

A. Oh, yes. We had talked about it beforehand.

Q. Did you authorize her to sign your name before she did it?

A. We sign each others names on business of all kinds when we have the opportunity and it is necessary to do so.

Q. And it was perfectly satisfactory with you for her to sign your name?

A. That's right.

Q. Are you still agreeable for your name to remain on this petition?

A. Yes, sir.

By The Commissioner:

Q. Had you ever expressly authorized her to sign it? Did you ever tell her to sign it before she did?

Sp. Comm. page 160] A. Well, I don't know whether I did that particular paper or not, but we sign for each other and work together that way. I don't remember about that particular one.

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Sp. Comm. page 165]

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MILLIGAN SPEARS,

the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

Sp. Comm. page 166]

DIRECT EXAMINATION

By Mr. Bacon:

Q. Mr. Spears, you did not sign this petition?

A. No, sir.

Q. Do you know who brought the petition around that your name appears on?

A. I believe it was Miss, well, I can't think of her name right off hand.

Q. Do you know—

A. It was Miss Hicks.

Q. Do you know where you were when the petition was brought around?
A. I was working 3:00 to 11:00.
Q. Where?
A. Over at Tennessee Eastman.
Q. And you didn't know that your name was on it until later on you found that Ruby had signed it for you?
A. Yes.

Mr. Bacon: All right.

CROSS EXAMINATION

By Mr. Newman:
Q. Who is Ruby Spears?
A. That is my wife.
Q. Did you authorize her to sign your name?
Sp. Comm. A. Well, she signed it before I knowed about
page 167] it, she signed it while I was at work.
Q. Well, was that satisfactory with you?
A. Yes.
Q. It is satisfactory for your name to be on the petition?
A. Yes.
Q. If you had been there, you would save signed it?
A. If I had been there, I would have signed it.

Mr. Newman: That's all.

By The Commissioner:
Q. Did you give her any authority to sign your name?
A. She has been signing my name now for 20 some years and we get along pretty well at it.
Q. Did you ever discuss this particular thing with her?
A. Oh, yes. We talked it over.
Q. Had you told her your feelings on it?
A. Yes.
Q. Did you ever talk to her about whether or not she should sign your name to it?
A. No, that wasn't brought up.
Q. When did you learn that your name was put
Sp. Comm. on there?
page 168] A. Well, that was the next day after it had come around. I don't know what day it was.
Q. And it was O. K. with you?

A. Yes, it was O. K. Yes, sir.

The Commissioner: All right. That's all. You may be excused and send your wife in.

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Sp. Comm.
page 177]

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OTTO DINGUS,
the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Sp. Comm. By Mr. Bacon:
page 178] Q. Otto, who signed your name to this thing?
A. My mother.

Q. Were you there?

A. No, I told her to. You see we live off the road and I was working back there in the hills and it was too *fur* for him to go back there. I was looking *fur* him.

Q. Looking for whom?

A. Joe, Joe Salling. The man that come up there and wanted us to sign the petition.

Q. What did you tell your mother to do?

A. The way it was I was at a funeral one day and he was coming up in there the next day and I told her if he come to just go ahead and sign my name.

Q. What were you to sign your name to? What was it for?

A. Well, he said it was a petition about this voting situation, he was trying to get it passed through so people could vote on it.

Q. To vote for what, Mr. Dingus?

A. Well, he called it that "School Business."

Q. To vote on the school business?

A. Yes.

Q. Is that what you authorized your mother to sign?

Otto Dingus

Sp. Comm. page 179] A. Yes, that is what I told her to put my name on. Joe, I had knowed him all my life there, and he is an old man and I think the young people ought to kindly follow along behind him in place of letting somebody else lead them.

Q. In other words, if Joe was for it, you thought it was all right?

A. I certainly did. He was raised up with my Daddy and I knowed him.

Q. But you hadn't read the petition?

A. No, I hadn't read anything.

Q. But you told your mother that if Joe Salling brought anything there to sign, that she could go ahead and sign your name to it?

A. Yes, *fur* I had talked to him the day before and I was way back up on the hill plowing.

Q. And Joe had told you a lot of people objected but that he wanted to vote for these school people?

A. Yes.

Q. And that is what you agreed to?

A. That's right.

Mr. Bacon: I believe that is all.

CROSS EXAMINATION

By Mr. Newman:

Sp. Comm. page 180] Q. Did Joe Salling say anything, Mr. Dingus, about the people voting on the change in the form of government?

A. No, he didn't talk anything much about it.

Q. Did he say anything about changing the form of government?

A. No, he didn't say anything about that.

Q. Did he read anything to you?

A. No, he didn't read anything. It was just like I told him (indicating Mr. Bacon).

Q. It was satisfactory with you if it was with Joe, is that right?

A. Yes, that is right.

Q. Is it still satisfactory for your name to be on this petition?

A. Yes, sir.

Mr. Newman: That is all.

REDIRECT EXAMINATION

By Mr. Bacon:

Q. You mean a petition toward electing the school people?

A. Yes, that is right.

Q. But any petition to change the form of government, you don't want anything to do with that?

A. No, that's right.

Mr. Bacon: All right.

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Sp. Comm.
page 189]

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NELLIE SMITH BAKER,
the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:

Q. What is your name, Mrs. Baker?

A. Nellie Mae Smith Baker.

Q. Mrs. Baker, are you the wife of A. D. Baker?

Sp. Comm.
page 190]

A. I sure am.

Q. And did you sign this petition?

A. No, I did not.

Q. Did your husband sign it for you?

A. He *shore* did.

Q. Do you write?

A. Yes, I write. I just told him it was all right for him to do that. I give him my permission to do that. That is the way our business has always been done.

Q. Did you see the petition or did your husband just take it and sign it for himself and for you?

A. No, I seen the paper. I was busy.

Q. And he started this petition off, the one he was carrying, just by signing his name and your name?

A. I couldn't tell you that. He had a petition.

Jean H. Beard

By The Commissioner:
Q. Did you authorize your husband to sign your name to the petition?
A. Yes, I sure did. I give him the right to.

REDIRECT EXAMINATION

By Mr. Bacon:
Q. How did you do that, Mrs. Baker?
A. With my tongue.
Q. Well, how? Did you tell him?
A. Yes.
Sp. Comm. Q. Did you instruct him to do it, allow him
page 191] to do it?
A. Yes.
Q. When did you discuss it?
A. Along back in the winter when he had it going around.
Q. Well, did he have the petition there at that time?
A. Yes, it was in the winter when he had the petition.
Q. Well, if the petition was there, did you see him sign your name to it?
A. Yes. I just asked him to sign it and told him that it was all right. For better government.

Mr. Bacon: That is all.

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Sp. Comm.
page 197]

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JEAN H. BEARD,
the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

Mr. Bacon: I have no questions and as far as I am concerned it would be a matter for you to decide as to whether you want to ask her.

By The Commissioner:
Q. You are the wife of Glen Beard who has just testified?
Sp. Comm. A. Yes, sir.

Jean H. Beard

page 198] Q. And your name is Jean H. Beard?
A. Yes.

Q. Did you authorize your husband to sign your name to a petition that was being circulated?

A. Yes, I did.

The Commissioner: Any further questions?

DIRECT EXAMINATION

By Mr. Bacon:

Q. Mrs. Beard, who had the petition that you authorized to be signed?

A. He was there at the office, and I was at the house and I don't know who had the petition.

Q. You don't even know what it was?

A. Well, this had been discussed. This had been an issue which had been discussed and we knew it was coming.

Q. Well, did you know who was carrying the petition then, or who would be carrying it?

A. No, I didn't know who was carrying it.

Q. Did you know when it would be there?

A. No.

Q. Did you know what the petition stated? Anything about that?

Sp. Comm. A. I knew what was publically discussed. I
page 199] *din't* know what was written on the paper.
Q. You didn't know anything about that?

A. No.

Q. Did you have in mind that it would generally state that the School Board Officials and Officers in Scott County would be elected thereafter?

A. Yes. That was one of the changes.

Q. That was one of the changes which you expected the petition to contain?

A. Yes.

Q. And that was the change which you favored?

A. Yes.

Q. And is that the provision then which you authorized your husband to execute for you by putting your signature on it?

A. Yes.

Q. Now I don't believe you were present when it was done nor at the very time it was done you did not direct him to sign it?

A. Other than he just asked me and I told him it was all right.

Q. And that was some few days before?

A. I don't remember. I don't recall whether it was at the time or anything about that.

Mr. Bacon: All right.

Sp. Comm.
page 200] CROSS EXAMINATION

By Mr. Newman:

Q. Just a minute, Mrs. Beard. Did you understand that that petition was to give the citizens of Scott County a right to vote on whether they wanted to adopt the county board form of government or not?

A. Well, I don't remember the issue quite that plain to make out, I mean I don't recall.

Q. I say did you understand it was to give the people a right to vote on the form of government?

A. I don't recall. I don't know anything about it.

Q. You were in favor of your husband signing your name to that petition?

A. Yes.

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Sp. Comm.
Page 201]

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LAURA E. CARTER,

the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:

Sp. Comm. Q. Mrs. Carter, did you sign this petition

page 202] with respect to the change of the form of government in Scott County?

A. I signed one that Roscoe Derting brought around.

Q. You don't know what it was? You don't know whether it was this petition or not?

A. No, I don't.

Q. What did the petition have to do with that you signed?

A. He wanted the janitor's place at the school and they put him out. And he come and wanted me to sign a petition and I signed it. I didn't even read it. I was busy and so I signed it.

Q. Well, do you know whether or not it had to do with putting him back in as janitor at the school *and* etc.?

A. He thought that was it.

Q. Now did you sign anyone *elses* name?

A. No.

Q. Is there another Carter that lives there?

A. My daughter lives right across from me, Mollie G. Carter.

Q. Well, did you sign her name to it?

A. No. I didn't sign *anybodys* but mine. She

Sp. Comm. is out here.

page 203] Q. She is here?

A. Yes. She signed it. The one he had.

Mr. Bacon: I think that is all, Mrs. Carter.

CROSS EXAMINATION

By Mr. Newman:

Q. You can hardly see it, but is that your signature, Mrs. Carter (Shows petition to witness), or can you see it well enough?

A. It is not very plain.

Q. I realize it isn't?

A. But I guess that is it.

REDIRECT EXAMINATION

By Mr. Bacon:

Q. Mrs. Carter, do you know why you would sign it L A U R I E? That is not your signature signed "I. E.," is it?

A. No, I spell mine L A U R A.

Laura E. Carter

Q. In other words, if yours is signed L A U R I E, this dot up here dotting the I and E, that is not your signature, is it?

A. No, my name is L A U R A.

RECROSS EXAMINATION

By Mr. Newman:

Q. L A U R I A?

Sp. Comm. A. No. L A U R A.

page 204] Q. Did you and Mollie G. Carter sign it at the same time?

A. Yes.

Q. Did one of you sign underneath the other one?

A. Well, now *whe* signed my name on one, and I signed one. They brought one and I signed it. And then he come back with another one and she signed it, and she signed my name and hers. So I guess that is hers.

Q. You think maybe this is the one that she signed?

A. Yes.

Q. Did she have authority to sign your name to it?

A. Yes.

Mr. Newman: That is all.

FURTHER REDIRECT EXAMINATION

By Mr. Bacon:

Q. Now, Mrs. Carter, did you know what that one had to do with?

A. No, I didn't.

Q. The first one that you know of you thought it had to do with trying to get Roscoe Derting back on as a

Sp. Comm. janitor? And this other one you just didn't know

page 205] what it had to do with?

A. No, I didn't.

Mr. Bacon: All right.

FURTHER RECROSS EXAMINATION

By Mr. Newman:

Q. Even though you didn't know what it had to do with,

you authorized your daughter to sign your name to it? Were you trusting that she knew what she was doing?

A. Yes.

Q. And that was satisfactory with you?

A. Yes.

★ ★ ★ ★ ★

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page 245]

★ ★ ★ ★ ★

HARRY F. STARNES,

the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:

Q. Mr. Starnes, I believe you did not sign this petition with respect to the change in the form of county government?

A. No, I had my wife sign my name on it because I was in Kentucky working and couldn't be home. And I told her to put my name on it when it come around.

Q. Had you seen it and knew what it was?

A. I knew what they said it was going to be. That was to change the form of government in the county.

Q. But you had not seen the petition and you did not know what it contained?

A. No. I hadn't seen it.

Mr. Bacon: I believe that is all.

Sp. Comm.
page 246]

CROSS EXAMINATION

By Mr. Newman:

Q. Where do you live, Mr. Starnes?

A. Gate City, Route 2.

★ ★ ★ ★ ★

Carrol Stallard

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* * * * *

CARROL STALLARD,
the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:

Q. Mr. Stallard, did you sign this petition with respect to the change of form of government in Scott County?

A. I didn't actually sign it. My wife signed it. I told her to.

Q. Under what circumstances was it signed then? How was it done?

Sp. Comm.
page 264]

A. You mean where I signed it?

Q. Yes?

A. Let's see, somebody come around with the paper and I forget who it was now down there in Weber City.

Q. Is your wife here today?

A. Yes, sir.

Q. Now where were you when it was signed?

A. I went up to the store down there in Weber City. I was gone.

Q. And then you weren't there when it was signed at all?

A. No. I told my wife to sign it when it come around. They said they were coming around.

Q. What did you tell her to sign now?

A. I told her to sign my name on that petition.

Q. On what petition?

A. To change the School Board or the form of government or whatever they call it.

Q. Did you know what the petition was?

A. Yes, I knowed what they was wanting.

Q. They wanted to elect the School Board?

A. Change it from what it is now.

Q. To what?

A. To a different form of government.

Richard Winegar

Q. Had you seen the petition?

Sp. Comm. page 265] A. I don't know whether I did or not.

Q. And you didn't know what it contained then?

A. No, I never read it.

Q. Actually you don't know really what your wife did sign your name to?

A. No, I couldn't. I actually never read it. Just what they was all a talking. I don't think I ever read one.

Q. It was just talk in the neighborhood that you heard about, and you weren't there and you didn't authorize her to sign it at the time it was signed.

A. Well, not right at the time I wasn't there. They was going around there and they said they was coming down there and so I told her to sign it and she did.

Mr. Bacon: All right.

CROSS EXAMINATION

By Mr. Newman:

Q. Mr. Stallard, did you understand that was a petition for the people to vote on the form of government they wanted in this county? Is that what you told your wife to sign your name to?

A. Yes, that is what we were talking about.

★ ★ ★ ★ ★

Sp. Comm. page 284] RICHARD WINEGAR,

the next witness *callec* by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:

Q. Mr. Winegar, I don't believe you signed this petition, did you?

A. My wife signed it for me. I was working.

Q. Who is James? Is that your brother?

Richard Winegar

A. No, we are first cousins.

Q. Do you know where he is?

A. He is out there.

Q. Who is Eula?

A. That is his wife.

Q. And who is your wife?

A. Edella.

Q. Spell that?

A. E D E L L A.

Q. I don't believe she signed this thing, did she?

A. Yes, she signed her name and mine, too. I was working 3:00 to 11:00 when they come down there with it.

Q. Now had you seen the petition?

Sp. Comm. A. Yes, I knowed what it was about.

page 285] Q. Well, have you read one?

A. No.

Q. Well, did you say anything to your wife about signing it?

A. I told her to sign it for me if I wasn't there.

Q. How long was that before it was signed? Do you know?

A. It couldn't have been over a week or two before that.

Q. Well, if you didn't see the petition, what did you authorize her to sign?

A. Well, I just told her to sign my name to it. I heard a lot of talk of what was going around, and I told her to sign it if I wasn't there.

Q. Well, what was going around?

A. Just getting all these signers on there.

Q. And what was it for? What did you authorize her to sign for?

A. Well, so the Supervisors could run the School Board. I mean that is what I understood it was all about.

Q. And you weren't present when it was done and didn't know anything about it?

Sp. Comm. A. No. I was working 3:00 to 11:00. I work

page 286] shift work.

★ ★ ★ ★ ★

Sp. Comm.
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* * * * *

JAMES WINEGAR,
the next witness called by the Commissioner, after being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Bacon:
Q. Where do you live, Mr. Winegar?
A. Powell District, down below Speers Ferry.
Q. What do you do?
Sp. Comm. A. I work at the Eastman.
page 292] Q. I don't believe you signed this petition with respect to asking for a referendum for a change in the form of government in Scott County, did you?
A. My wife did with my permission.
Q. Well, did you know when it was to be signed?
A. I didn't know the day he was coming around.
Q. That who was coming around?
A. M. C. Hurd.
Q. Well, did you know that Mr. Hurd had it?
A. No more than my wife told me after he come through.
Q. You didn't know who had the petition then, did you, beforehand?
A. No more than talk through the neighborhood that it would be around.
Q. I mean as far as *an* specific person having the paper though, you did not know who had it or who would be around, or anything of that nature?
A. Right at the time it come around, I didn't know he would be the one.
Q. Well, what did you tell your wife to sign?
A. Petition on a referendum change.
Q. On a referendum for what?
Sp. Comm. A. To change the form of government here
page 293] in the county.
Q. And had you seen one of those petitions?

James Winegar

A. No, sir. I hadn't seen one.

Q. And you had not read it and didn't know what it was?

A. No more than what was in the Kingsport paper.

Q. In other words, the authorization that you gave was to sign with respect to what was in the paper, or anything that was to carry into effect what was explained in the paper?

A. I think my wife is capable of understanding the situation before she would sign either one of our names.

Q. In other words, yes, Mr. Winegar, was it not the position with you that you would leave it to your wife that if she thought it was something that should be signed, she had the right to put your name to it too?

A. She had my permission.

Q. And if she didn't think it should be signed, why then want either one of our *name* put to it.

A. If something would be wrong that a way, I wouldn't want either one of our name put to it.

Q. In other words, it was a matter of leaving it to her to decide what she thought the *propitiaty* of signing would be, as to whether or not she thought it was right, and if she thought it was right, then put your name to it too?

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Q. If we understood it right from what was wrote up in the paper, it was to get at least 15 per cent of the registered voters to sign it to have this special election called. Of course from the description in the paper, you didn't have much doubt about what you were going to sign.

Q. You are saying though that if your wife looked at it and she thought it should not be signed, you think she would have had judgment enough not to sign it?

A. She wouldn't have signed it for herself I am satisfied.

Q. Well, what about you?

A. She wouldn't have signed it for me either if she didn't think it was right.

Mr. Bacon: All right.

CROSS EXAMINATION

By Mr. Newman:

Q. Before the petition came out, Mr. Winegar, you say

that you and your wife did study this form of government as it was stated in the paper?

A. Yes.

Q. And that is what you authorized her to sign?

Sp. Comm. page 296] A. Yes, sir. I think the paper places a pretty good description of it.

* * * * *

A Copy—Teste:

H. G. TURNER, Clerk.

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