

REPRODUCED AT NARA

D. C. 106

"J.S.-5- 5-18-59"

"J.S.-6- 2-4-60."

"THREE JUDGE CASE"

NASHVILLE CIVIL

DOCKET 8.

NON JURY

"NOTICE OF APPEAL

FILED: 3-29-60"

2724

JS 5 4-23-62
JS 6 12-8-65

TITLE OF CASE

ATTORNEYS

CHARLES W. BAKER, DAVID N. HARSH, EDMUND ORGILL,
ROY DIXON, HERBERT S. ESCH, JACK W. LEE, MRS. JAMES
M. TODD, W. D. HUDSON, GUY L. SMITH, & JOHN R. McGAULEY
VS.
JOE C. CARR, Secretary of State of State of Tennessee;
GEORGE H. McCANLESS, Attorney General of Tennessee;
JERRY McDONALD, Coordinator of Elections; and DR. SAM
COWARD of Overton County, Tenn., JAMES ALEXANDER of
Carroll County, Tenn., & HUBERT BROOKS of Washington Co.,

For Plaintiff:

* Denney, Leftwich & Osborn
Nashville Trust Building
Nashville 3, Tennessee
* Hobart F. Atkins, 410 Cumberland
Ave., S. W., Knoxville, Tenn.

* Chandler, Manire & Chandler
Home Federal Building, Memphis
3, Tenn.

For Defendant:

* George H. McCanless & Staff
Attorney General of State of
Tennessee, Tenn. Supreme Court
Bldg., Nashville 3, Tennessee

BASIS OF ACTION: -Tenn., Members Constituting the State Board
of Elections and Tenn. Farm Bureau
Seeking a special Three-Judge Court, to hear & determine this cause,
and Direct the Reapportionment of the legislative districts of the
State of Tennessee, in accordance with present qualified voters, etc.

JURY TRIAL CLAIMED: No

Alleged violation of the Fourteenth

ON

Amendment of the Constitution of the U.S.A.

DATE	PLAINTIFF'S ACCOUNT	RECEIVED	DISBURSED	DATE	DEFENDANT'S
5-18-59	Ret. # 24705 Z. T. Osborn, Jr.	\$15.00			
5-22-59	Invs US CO 50		\$15.00		
3-29-60	Denney & Leftwich	\$5.00			
3-21-60	Denney 2042		5.00		

ATTORNEYS FOR INTERVIEW
PLAINTIFFS.

FOR BEN WEST, MAYOR, CI
OF NASHVILLE, TENNESSEE

** Harris Gilbert
Nashville Trust Bldg.
Nashville, Tennessee

** Robert H. Jennings, Jr.
City Attorney for the
City of Nashville, Tenn
Z. T. OSBORN, JR.
FOR CITY OF CHATTANOOGA,
TENNESSEE.

** E. K. Meacham
324 Hamilton Bank Bldg.
Chattanooga, Tenn.

Anderson
Attorney of Chattanooga, Tenn.

FOR CITY OF KNOXVILLE,
TENNESSEE:

** C. R. McClain,
Director of Law
City of Knoxville
City Hall
Knoxville, Tennessee

6-27-62 chd 7180 shows as disburse 1124.70 main year order
6-27-62:
6-28-62 - 9350 memo Inv. 577.85 Refund date
1702.55

5-11-62 Geo. F. McCanless \$1702.55 deposited in registry to
cover costs accrued Supreme Court trial.

Clerk

Marshal

Attorney docket

62.60

\$77.60

BEN WEST, MAYOR,

CITY OF NASHVILLE,

**Charles S. Rhyne

400 Hill Building

Washington 6, D.C.

*Edwin F. Hunt (Tenn. Farm
Bureau Federation)
American Trust Bldg.

Nashville, Tennessee

DATE	FILINGS—PROCEEDINGS	AMOUNT REPORTED IN EMOLUMENT RETURNS
5-18-59	Complaint, with Exhibits "A", "B", "C", "D", "E", "F", & "G", attached - filed.	
5-18-59	Summons issued: (Eleven copies of the Summons, with six attested copies of the Complaint attached, - delivered to the U. S. Marshal for service on the Defendants)	
5-25-59	Summons as to Deft., Dr. Sam Coward, Livingston, Tennessee, returned by the U. S. Marshal, executed and filed. MFE. \$22.20.	
6-3-59	Summons for James Alexander, Jerry McDonald, Joe Carr, George H. McCanless returned executed and filed. MFE. \$17.20.	
6-8-59	*Motion to Dismiss, filed by Defendants, Joe C. Carr, Sec. of State of the State of Tenn.; George F. McCanless, Atty. General of Tennessee; Jerry McDonald; & Dr. Sam Coward and James Alexander, members of the State Board of Elections. (Certificate of Service attached)	
6-12-59	*Motion of defendant Hubert Brooks to dismiss this action, certificate of service attached.	
6-15-59	Summons as to deft. Hubert Brooks returned by the U. S. Marshal, executed & filed. MFE. \$22.00.	
6-17-59	*Motion to Dismiss the Action - filed by the Defendants, Joe C. Carr, Sec. of State of Tenn.; George F. McCanless, Atty. General of Tennessee; Jerry McDonald; Dr. Sam Coward; James Alexander; & Hubert Brooks. Certificate of Service attached.	
6-17-59	Memorandum Brief of the Defendants in Support of Motion to Dismiss the Action without the Assembly of a Three-Judge Court - filed.	
6-24-59	O.C.R. Stenotype Notes of Proceedings had on Civil Call of Docket & Preliminary in this action on June 22, 1959 - filed. (See File Drawer)	
7-6-59	Plaintiff's Reply to Defendants' Motion to Dismiss filed. (Certificate of service attached).	
7-6-59	Plaintiff's Supplemental Reply Brief filed.	
7-6-59	Affidavit of James M. Glasgow with Jurisdictional Statement and Statement in Opposition to Appellants' Statement of Jurisdiction and Motion to Dismiss, in Case No. 36651, Supreme Court of Tenn., Gates Kidd, Et Al. vs George F. McCanless, filed.	
7-7-59	Supplemental Brief on Behalf of Defendants filed.	
7-9-59	O. C. R. Stenotype Notes of Hearing on Defts.' Motion to Dismiss - filed. (File Drawer)	
7-21-59	Order allowing amendment to complaint entered.	
7-21-59	Amendment to complaint filed.	
7-31-59	Memorandum opinion entered denying defendant's motion to dismiss and should be considered by a court of three judges. Copies mailed to all Attorneys of record.	
7-31-59	Order (for the reasons set forth in the memorandum filed herein on July 31, 1959, the defendants' motion, filed June 17, 1959, to dismiss the action without assembling a three judge court upon the ground that the action does not raise a substantial question. is denied. copies mailed to all Attorneys of record.	

CIVIL DOCKET

CHARLES W. BAKER, ET AL. -vs- JOE C. CARR, ET AL.

DATE	FILINGS-PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
8-3-59	Notification by defendants that an appeal has been taken in the reapportionment suit styled Otis W. Shiver -vs- R. A. Gray, Sec. of State of Florida, et al.			
✓ 8-11-59	Order of Acting Chief Judge Shackelford Miller, Jr., Sixth Circuit Court of Appeals designating Honorable John D. Martin, U. S. Circuit Judge, Court of Appeals for the Sixth Circuit, Honorable Marion S. Boyd, U. S. District Judge for the Western District of Tennessee and Honorable William E. Miller, Judge, Middle District of Tennessee to constitute a Three Judge-Judge Court entered.			
✓ 11-17-59	Motion by Mayor Ben West, Mayor of the City of Nashville, to Intervene as a Plaintiff, with Notice of Motion, filed.			
11-19-59	Subpoena to produce issued for Mr. Robert White, Joe C. Carr on behalf of the plaintiffs, same delivered to U. S. Marshal.			
✓ 11-23-59	Motion to Intervene filed by City of Chattanooga, Tennessee.			
11-23-59	Order entered allowing City of Chattanooga to file Complaint as Intervenor. (copies furnished counsel in open court.)			
✓ 11-23-59	Complaint as Intervenor filed by City of Chattanooga. (copies furnished counsels in open court).			
✓ 11-23-59	Order entered allowing Ben West, Mayor, City of Nashville, Tenn., to file intervening complaint. Further ordered that the motion to dismiss the complaint filed on behalf of the defendants will be allowed to stand as a motion to dismiss to all intervening complaints. (copies to all counsels in open court).			
✓ 11-23-59	Intervening Complaint of Ben West, Mayor, City of Nashville, Tenn., filed. (copies to all counsels).			
11-23-59	References to Entries in Senate and House Journals of the General Assembly of Tennessee, with House Bill No. 123, filed by defendants.			
11-23-59	Subpoena to produce documents for Mr. Robert White and Joe C. Carr returned executed and filed. MFE \$1.20			
✓ 12-2-59	Motion to amend and supplement intervening petition of Ben West, Mayor, City of Nashville, Tennessee filed. Same mailed to Honorable John D. Martin, Judge, U. S. Court of Appeals for the Sixth Circuit, Cincinnati, Ohio, Honorable Marion S. Boyd, Judge, Western District of Tennessee and Honorable William E. Miller, Judge, Middle District of Tennessee.			
12-10-59	Supplement to Defendants Reply Brief in Support of their Motion to Dismiss. (Certificate of service attached). Copy mailed to Honorable John D. Martin, Judge, U. S. Court of Appeals for the Sixth Circuit, Honorable Marion S. Boyd, Judge, Western District of Tennessee, and original to Judge Miller.			

DATE	FILINGS—PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
12-21-59	X * PER CURIAM OPINION - entered by Judges John D. Martin, Marion S. Boyd, and William E. Miller. "An Order will be submitted Dismissing the action in accordance with this opinion." (Attested photostatic copy of Opinion mailed to each: Denney, Leftwich & Osborn; Hobart F. Atkins; Chandler, Manire & Chandler; George H. McCanless, Atty. Gen.; Harris Gilbert; Robert H. Jennings, Jr.; E. K. Meachan; & J. W. Anderson; same being all counsel of record in this action)			
1/19/60	O.C.R.'s stenotype notes, proceedings 11/23/59, filed.			
1/19/60	ditto 12/21/59, @ (Court decision)			
2-4-60	* ORDER DISMISSING COMPLAINT - entered by Judges John D. Martin, Marion S. Boyd, and William E. Miller. Ordering that in accordance with the per curiam opinion heretofore filed, the Complaint is hereby dismissed, the first two grounds of Defts.' Motion to Dismiss (1) that the Court lacks jurisdiction of the Subject matter, and (2) that the Complaint fails to state a claim upon which relief can be granted, -are sustained and the Defendants' Motion to Dismiss is granted. (Attested photostatic copy of same mailed to all listed counsel of record in this action)			
2-22-60	* Order entered by Judges John D. Martin, Marion S. Boyd, and William E. Miller, Ordering that: (1) Ben West, Mayor of Nashville, intervening Plaintiff, be & is permitted to file and make a part of the record herein, that amended and supplemental petition exhibited to his Motion for leave to amend & supplement his petition; (2) It is further Ordered that the City of Knoxville, Tenn., & the City of Chattanooga, Tenn., are hereby made and constituted parties plfff. to this cause; (3) It is further Ordered that the Motion to Dismiss heretofore filed on behalf of the defts. be & the same is hereby permitted to stand as a motion to dismiss to the said amended & supplemental petition & the petitions to intervene on behalf of said cities, etc.; (4) It is further Ordered that the Pltff's. cause be & the same is hereby dismissed, as heretofore provided in an Order of Dismissal entered in this cause on Feb. 4, 1960. (Order signed by the Three Judge Court - By Pltffs' Attys. Denney, Leftwich & Osborn & by Defts. Atty. George F. McCanless)(Attested photostatic copy of this Order mailed this date to all listed counsel of record in this action)			

CIVIL DOCKET

CHARLES W. BAKER, ET AL. -vs.- JOE C. CARR, ET AL.

DATE	FILINGS—PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
✓ 3-22-60	*Amendment and Supplement to the Intervening Petition filed by the Plaintiff, Ben West, Mayor, City of Nashville, Tennessee - filed. Exhibits Nos. "4", "5", "6", "7", "8", "9", "10", "11", & "12" attached. (Certificate of service relative to service of same on Defts.' Atty. Allison Humphreys attached to Motion filed 12-2-59)			
✓ 3-22-60	*Petition to Intervene of City of Knoxville, Tennessee, with Transcript of minutes of meeting of City Council of Nov. 24, 1959, relating to passage of resolution no. 2690; Certificate of recorded as to minutes; Copy of said Resolution No. 2690; & copy of Instructions to Election Officials; -all attached and filed by the City of Knoxville, Tennessee.			
✓ 3-29-60	*Notice of Appeal to the Supreme Court of the United States, filed by the Plaintiffs and Intervening Plaintiffs in this cause. Certificate of Service attached.			
4-15-60	O.C.R. Stenotype Notes of all proceedings had on February 26, 1960, in two volumes, - filed by the O.C.R. (See File Drawer)			
4-28-60	*Order entered by Judge William E. Miller Ordering that the original record in this cause be transmitted by the Clerk of this Court to the Supreme Court. (Attested copy of same mailed to each: Pltffs' Attys. Z. T. Osborn, Jr. & Hobart Atkins; Defts.' Atty. George H. McCanless; & Atty. for City of Nashville, Charles S. Rhyne)			
5-5-60	Original record on appeal forwarded to Attorney Charles S. Rhyne, Washington, D. C. at the direction of Attorney Z. T. Osborn, same to be filed in the U. S. Supreme Court.			
6-20-60	Transcript of argument of Z. T. Osborn before Judge Miller on July 6, 1959 on defendant's motion to dismiss filed, original to Atty. Z. T. Osborn.			
6-20-60	Transcript of arguments before three-judge court had on November 23, 1959 filed, original to Atty. Z. T. Osborn.			
11-28-60	*Certified Copy of Order of Supreme Court of the United States, Washington, D. C. received & filed, Noting Probable Jurisdiction in this action.			
5-3-61	Letter received and filed from the Clerk of the Supreme Court of the United States advising: "It is ordered that this case set for reargument on October 9, 1961, at the head of the calendar for that date."			

DATE	FILINGS--PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
4-23-62	Certified copy of judgment received for entry from the United States Supreme Court, Washington 25, D. C. Acknowledged receipt of same mailed to Mr. John F. Davis, Clerk, Supreme Court, Washington, D. C.. Order by the Supreme Court of the United States that this cause be, and the same is hereby, remanded to the United States District Court for the Middle District of Tennessee for proceedings in conformity with the opinion of this Court. Judgment of the U. S. District Court reversed with costs. It is further Ordered that said appellants, Charles W. Baker, et al., recover from Joe C. Carr, et al, One Thousand Seven Hundred and Two Dollars and Fifty-five cents (\$1,702.55) for their costs herein expended.			
4-23-62	Order entered Ordering that in accordance with the rules of this Court action is hereby transferred to the pre-trial calendar and the Clerk will notify the attorneys to appear before the Court for a pre-trial conference at 9:00 A.M., May 7, 1962, in courtroom No. 1, United States Courthouse, Nashville, Tennessee; further that if any party desires to file a motion to be acted upon at the time of such conference, at leave five days notice of such motion shall be given to any adversary party prior to the date of the conference. (Attested copies mailed all attys. of record.)			
5-2-62	*Answer of defendants, Secretary of State of Tennessee, Attorney General of Tennessee, Coordinator of Elections for the State of Tennessee and Members of the State Board of Elections for the State of Tennessee, with certificate of service, - filed.			
5-2-62	Motion on Behalf of the Defendants to Stay Proceedings, with certificate of service, - filed.			
5-4-62	Memorandum brief in support of defendants' motion to stay proceedings, with certificate of service, - filed.			
5-7-62	Motion to Intervene as Defendants filed by Tennessee Farm Bureau Federation, Inc. (Copy furnished all parties in open court)			
5-7-62	Memorandum Brief in Opposition to Motion to Intervene as defendants filed by plaintiffs. Certificate of service attached.			
5-7-62	Memorandum Brief of Plaintiffs for Pre-Trial Conference on the question of whether a Three*Judge Court is further required to hear the case. Certificate of service attached.			
5-8-62	*Order entered (1) that the death of Judge Martin did not have the effect of dissolving the three-judge court but created a vacancy to be filled by the Chief Judge of the Sixth Circuit, and (2) that while there is doubt			

#2724

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-28-62	(Contd). Tipton County MFE \$6.00 Lauderdale County MFE \$6.00 Gibson County MFE \$6.00 Crockett County MFE \$6.00 Madison County MFE \$9.00 Henderson County MFE \$6.00 Hardeman County MFE \$6.00 Decatur County MFE \$6.00 Carroll County MFE \$6.00 Perry County MFE \$34.50	Obion County MFE \$35.90 Haywood County MFE \$6.00 Dyer County MFE \$23.80 McNairy County MFE \$6.00 Henry County MFE \$6.00 Hardin County MFE \$45.30 Fayette County MFE \$6.00 Chester County MFE \$11.40 Benton County MFE \$6.00 Lake County MFE \$6.00
Summons returned for Lauderdale County executed as to Earl H. Marshal, Frank A. Portis and James F. Baldrige. MFE \$6.00		
5-28-62	*Answer filed, with certificate of service, for each of the following Counties:	
	Claiborne County	Blount County
	Wayne County	Dickson County
		Johnson County
5-29-62	*Answer filed, with certificate of service, for each of the following Counties:	
	Hardin County	Smith County
	Williamson County	Hickman County
	Knox County	Hamilton County
	Monroe County	Washington County
	Hardeman County	Polk County
	Sullivan County	Hawkins County
	Loudon County	Lawrence County
		McNairy County
		Grainger County
5-29-62	Summons returned by U. S. Marshal executed in full and filed as to the following counties:	
	Cumberland County MFE \$6.00	DeKalb County MFE \$6.00 Putnam County MFE \$
	White County MFE \$30.70	
5-31-62	*Answer with certificate of service for each of the following counties filed:	
	Lincoln County	Benton County
	Trousdale County	Wilson County
	Henderson County	Bedford County
	Moore County	Greene County
	Chester County	Van Buren County, Tenn.
5-31-62	Summons returned by U. S. Marshal executed in full and filed as to the following counties:	
	Carter County MFE \$6.00	Claiborne County MFE \$21.40
	Cocke County MFE \$22.40	Grainger County MFE \$4.00
	Greene County MFE \$59.20	Hamblen County MFE \$6.00
	Hancock County MFE \$31.00	Hawkins County MFE \$6.00
	Jefferson County MFE \$6.00	Johnson County MFE \$6.00
	Sevier County MFE \$14.20	Sullivan County MFE \$6.00
	Unicoi County MFE \$6.00	Washington County MFE \$6.00
	Anderson County MFE \$6.00	Blount County MFE \$7.80
	Campbell County MFE \$14.00	Knox County MFE \$6.00
	Morgan County MFE \$15.00	Loudon County MFE \$10.90
	Roane County MFE \$25.90	Scott County MFE \$6.00
	Bradley County MFE \$6.00	Bledsoe County MFE \$17.10
	Grundy County MFE \$6.00	Hamilton County MFE \$7.30
	Marion County MFE \$14.40	McMinn County MFE \$24.10
	Meigs County MFE \$6.00	Monroe County MFE \$10.20
	Polk County MFE \$6.00	Rhea County MFE \$22.50

D. C. 110 Rev. Civil Docket Continuation

REPRODUCED AT NARA

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-31-62	(Contd) Sequatchie County MFE \$17.00 Bedford County MFE \$6.00	
	Coffee County MFE \$6.00 Franklin County MFE \$6.00	
	Lincoln County MFE \$22.40 Moore County MFE \$6.00	
	Van Buren County MFE \$24.30 Warren County MFE \$6.00	
	Summons returned unexecuted for Union County, attorney for plttfs. advised that process was not to be served.	
	Summons returned executed as to Glen Quarles, Jefferson City, Tenn..	
6-1-62	MFE \$8.60 *Answer, with certificate of service, filed by the following counties:	
	Dickson County Carter County Grundy County	
	Trousdale County Cannon County Morgan County	
6-1-62	Motion to Intervene as Plaintiffs filed by Tennessee State Labor	
	Council, AFL-CIO. Certificate of service attached.	
6-4-62	Order entered granting the motion to intervene, as plaintiff, on	
	behalf of Tennessee State Labor Council, AFL-CIO, S. A. Para, Matthew	
	Lynch and Charles M. Houk, unless objections should be made thereto	
	on behalf of any party to the action at the hearing heretofore set	
	for June 11, 1962. Copy mailed all attorneys of record.	
6-4-62	*Answer with certificate of service, filed by the following Counties:	
	Dyer County Stewart County Davidson (A. V. McLane)	
	Decatur County Hardin County Stewart County	
	Lauderdale county Rhea County Perry County	
	Cheatham County Campbell County	
6-5-62	*Answer of Earnest Taylor, with certificate of service, filed.	
	*Answer with certificate of service, filed by the following counties:	
	Davidson County (S. McPheeters Glasgow & Thomas W. Jarrell)	
	Tipton County Anderson County Scott County	
	Fayette County Morgan County Roane County	
	*Answer of the members of the State Board of Elections, with certificate of service filed.	
6-7-62	*Answer with certificate of service filed by the following Counties:	
	Fentress County Hamilton County Perry County	
	Marion County Obion County	
6-7-62	Motion to dismiss and answer of defts. R. W. Turner, Jr., and W. R.	
	Gaters, Election Commissioners of Haywood County, Tenn., with	
	certificate of service.	
6-7-62	Motion to dismiss of Wm. B. Taylor named as one of the defendants	
	with certificate of service.	
6-7-62	Motion to dismiss and answer of defendants Glen Worrell, Homer	
	Young and Tom Privett, Election Commissioners of Crockett County,	
	Tennessee, with certificate of service, filed.	
6-7-62	Motion to dismiss and answer of defendants Frank Portis, Earl H.	
	Marshall and James F. Baldridge, Election Commissioners of Lauderdale	
	County, with certificate of service, filed.	
6-7-62	*Order entered that a sufficient number of the class known as county	
	election commissioners of the State of Tennessee have been served with	
	process so that the interests of said class is adequately represented	
	by those members of the class already served with process, and that	
	service of process upon the members of said class may be dispensed with.	
	(Signed by Attys. Osborn, Gilbert, McCanless & Hunt; same being advised	
	by letter that Order entered.)	
6-7-62	*Order entered pursuant to the mandate of the Supreme Court. (Signed by	
	Attys. Osborn, Gilbert, McCanless & Hunt; same being advised by letter	
	that Order entered.)	
	/ / / / / / / /	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-7-62	Motion to intervene by Forrest Bridges, Allen V. Kidwell and W. Buford Lewallen with certificate of service.	
6-8-62	Answer with certificate of service filed by the following counties: Franklin County Sevier County	
6-8-62	*Order entered permitting Forrest Bridges, Allen V. Kidwell and W. Buford Lewallen to intervene. (Attested copy of Order mailed Gen. McCanless.)	
6-8-62	*Motions to intervene, Robert A. McNeas, Mayor of the City of Oak Ridge, Tennessee; William Everett Lewallen, Mayor of the City of Clinton, Tenn., as plaintiffs, filed.	
6-8-62	*Amendment to Amended and Consolidated Complaint, with Exhibits A and B attached and certificate of service, filed.	
6-8-62	*Amendment to Plaintiffs' Motion for Summary Judgment, with certificate of service, filed.	
6-11-62	*Order entered allowing Robert A. McNeas and William Everett Lewallen to intervene as party plaintiffs. (Copy to Z. T. Osborn, Jr., and copy to George McCanless.)	
6-11-62	*Answer to the amendment to the amended and consolidated complaint filed by the defendant. Certificate of service attached.	
6-11-62	*Answer with certificate of service filed by J. Pritchard Barnes one of the Commissioners of Elections for Sevier County, Tenn.	
6-11-62	*Answer with certificate of service filed by Election Commissioners of Shelby County, Tennessee.	
6-11-62	Proposed plan for reapportioning the General Assembly filed by W. W. Faw, Direct Representative to Tennessee General Assembly.	
6-11-62	Memorandum Brief of Intervening Plaintiff, Ben West, Mayor of the City of Nashville, Tennessee, filed. Certificate of service attached.	
6-11-62	Proposed Plan "Unity Plan" filed by plaintiffs in support of their motion for summary judgment.	
6-11-62	Proposed Plan "Plan 3" filed by plaintiffs in support of their motion for summary judgment.	
6-11-62	Defendants' Exhibits Nos. 1 through 10 in opposition to plaintiffs motion for summary judgment.	
6-11-62	Defendants' Exhibit entitled "Ratio Senate & House- Under 1901 Act and Under 1962 Act, filed in opposition to plaintiffs motion for summary Judgment.	
6-11-62	Certified copy of House Bill No. 1, Public Chapter No. 1, Extraordinary Session of 1962; and Certified copy of Senate Bill No. 4, & 5, Public Chapter No. 2, Extraordinary Session of 1962, filed by defendants.	
6-12-62	Answer of Ernest Estes one of the Election Commissioners of DeKalb County, Tennessee with certificate of service attached, filed.	
6-12-62	Motion to Dismiss and answer of defendants, George O. Benton and Jay T. Bond, two of the election commissioners for Madison County, Tenn., with certificate of service.	
6-12-62	O.C.R. transcript of all proceedings on May 7, 1962 filed in two volumes. (Orig. and 1 cc to atty. Gilbert.)	
6-13-62	*Order entered that answer heretofore filed shall be come an answer on behalf of the intervening defendants.	
6-18-62	Answer filed by Union County with certificate of service.	
6-19-62	*Order entered that pleadings stipulations, agreements or admissions heretofore filed on behalf of original plttfs be & become pleadings, stipulation agreements or admissions of the intervening plttfs., Tenn. State Labor Council, AFL-CIO.	
6-22-62	Answer of Election Commissioners for Coffee County, Tennessee, with certificate of service, filed.	

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-22-62	*Per curiam opinion entered by Judges Weick, Boyd & Miller. (Attested copies mailed attys. of record.)	
6-26-62	*Order entered to implement the agreement & stipulations of the parties made at the hearing on June 11, 1962 and to clarify certain parts of the record. See Order for the six items set out. (Attested copies mailed attys. of record.)	
6-27-62	*Order entered that the Clerk, out of the sum of \$1702.55 heretofore deposited by defendants in the registry of the Court, to make payment to the U. S. Marshal of \$1124.70 presented by him for service of subpoenas and mileage.; the remainder of said sum in the amount of \$577.85 to remain in the registry of the court pending further orders of the Court. (Attested copy mailed Atty. Osborn. with copy of transmittal letter to Attys. of record.)	
7-3-62	*Order entered pursuant to per curiam opinion entered June 22, 1962; (1) that final judgment herein on all issues is reserved until 1963 General Assembly of Tenn. constituted & elected under 1962 statutes has had an opportunity at its regular 1963 session to act on the matter of legislative apportionment, but not later than June 3, 1963; (2) that after 6-3-63, or after the date of adjournment of the General Assembly if occurring prior thereto, case may be reopened upon application of any party or upon Court's own motion, and (3) that notwithstanding such time limits for reopening, full jurisdiction is hereby retained and if necessary or proper for any reason action may be reopened at any time hereafter, either upon Court's own motion or upon application of any party. (Attested copies mailed attys. of record.)	
9-6-63	Amended and Supplemental Complaint of Plaintiffs, with copy of summons and Certificate of Service, filed.	
9-10-63	Order entered that the case is re-opened and set down for a pre-trial conference on September 17, 1963, and further that the case be set for trial on the merits on September 23, 1963. (Copy to Attorneys of record).	
9-19-63	ORDER ON PRE-TRIAL CONFERENCE entered September 19, 1963. (Attested copies to Z. T. Osborn, Jr.; Geo. F. McCannless; and Edwin F. Hunt)	
9-20-63	Answer to Amended and Supplemental Complaint of Defts. Alfred W. Peeler, E. H. Wooten, Jr., and Merrill P. Tatlock, Election Commissioners of Tipton County, Tennessee, filed. Certificate of Service attached.	
9-23-63	Answer to Amended and Supplemental Complaint filed by defendants, Joe C. Carr, et Al. (original defts.). Copy to Plaintiffs Attys.	
9-23-63	Answer of S. McP. Glasgow, Jr., Thomas W. Jarrell and J. H. Henderson, Commissioners of Elections of Davidson County, filed. Certificate of service attached.	
9-23-63	Answer to Amended and Supplemental Complaint of R. W. Turner, Jr., W. R. Gaters and Lewis Hughes, Election Commissioners of Haywood County, Tennessee, filed. Certificate of Service attached.	
9-23-63	Stipulation of Evidence filed.	
9-23-63	Trial Brief filed by Plaintiffs. (Copy to Attys. for Deft)	
9-23-63	Trial Brief filed by Defendants. (Copies to Pltfs. Attys).	
10-10-63	Opinion entered by Judges Weick, Boyd and Miller (Attested copies to attorneys of record)	
11-13-63	Order entered that (1) in consideration of apportionment of Senate described in Opinion 10/10/63, Chap. 295, Public Acts 1963 apportioning House of Representatives, is valid and constitutional, (2) Chap. 320 apportioning Senate, is unconstitutional denying equal protection as required by the 14th Amendment, US Constitution,	

"over"

CIVIL ACTION No. 2724

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-13-63	(Cont'd) (3) the plan of Senate apportionment presented by plttfs. as modified in Opinion, coupled with apportionment of House provided in Chap. 295, provide a valid and constitutional apportionment, (4) defendants have until Feb. 3, 1963 to file objections to Senate plan set forth in appendix, and to submit alternative plan, (5) if such are submitted, Court will determine whether alternative plan should be substituted, (6) full jurisdiction will be retained by the Court. (Attested copies to attys of record)	
12-23-63	Motion by Plaintiff to Tax Costs, filed. Certificate of service attached.	
1-30-64	Statement of Original Defendants Relative to Courts Projected Plan of Reapportionment of Tennessee General Assembly, filed. Certificate of service attached.	
2-3-64	Plan for Apportioning the Senate of the General Assembly of Tennessee Submitted by Intervening Defendants, with Exhibits A, B & C. Certificate of Service attached.	
2-11-64	Motion filed by Original and Intervening plaintiffs to (1) Hear and dispose of "Statement of the Original Defts., etc" filed 1-30-64; (2) hear and dispose of "Plan for Apportioning Senate of Gen. Assembly, submitted by Farm Bu. Federation, et al, 2-4-64; (3) Enter final decree in accordance with Opinion, 10-10-63 and Order, 11-13-63; (4) Tax costs against defendants; (5) Such further Orders as appropriate. Certificate of Service attached.	
2-19-64	Order entered that cause is set down for conference before two judges of the Three-Judge Court on Feb. 26, 1964 at 2:00 P.M. (Attested copies to Attorneys of Record)	
2-19-64	Pleading on Behalf of Defendants, Election Commissioners for Warren County, Tennessee, filed. Certificate of Service Attached.	
3-4-64	Memorandum Brief filed by Hobart F. Atkins relative to Anderson and Knox County reapportionment.	
3-10-64	Answer of Plaintiffs to the Plan of Apportioning the Senate of the General Assembly of Tennessee as Submitted by the Intervening Defendants, filed. Certificate of Service attached.	
3-13-64	Response of Intervening Defendants to Answer of Plaintiffs to Intervening Defendants Plan of Apportionment, filed.	
3-18-64	Memorandum for Original Plaintiffs (Except W.D. Hudson, now Deceased) On Question of Proper Apportionment of Tennessee Legislature, filed.	
4-17-64	Order entered that further proceedings are stayed until further order of the Court, and that full jurisdiction be retained by the Court with the right to reopen the case at any time hereafter either upon the Court's own motion or upon motion of any party. (Attys. of record notified)	
6-15-64	Motion to re-open case in its entirety, to reconvene 3-judge Court to enter final decree apportioning Legislature in accordance with plans filed plaintiff. Certificate of Service attached.	
6-27-64	Opinion of the Three-Judge Court entered. Copies to attorneys of record.	
7-21-64	Objections to Court's Opinion of June 27, 1964 filed by defendants, Certificate of Service attached.	
7-27-64	Objections to Court's Opinion of June 27, 1964 filed by Intervening Defendants, Tennessee Farm Bureau Federation. Certificate of service attached.	
8-28-64	Order entered that findings of fact and conclusions of law shall be as set forth in opinion 10-10-63, as modified 6-27-64; plans for apportionment as set forth in appendix to these opinions attached hereto are approved; nothing herein shall be construed to deprive XXXX (Contd)	

(See page 14)

D. C. 110 Rev. Civil Docket Continuation

REPRODUCED AT NARA

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-28-64	(Cont'd)...1965 Gen. Assembly of power to enact legislation apportioning Senate and House on basis of population to comply with pronouncements of Supreme Court,..if no plans are enacted prior to 6-1-65, plans referred to shall be effective upon adjournment of the 1965 Gen. Assembly and shall be enforced for election to the 1967 Assembly,...Full jurisdiction will be retained by the Court. (Attested copies to attorneys of record).	
3-17-65	Motion to Amend Order of Aug. 28, 1964 filed by defendants, Certificate of service as to Harris Gilbert, one of the attys. for plaintiffs attached.	
4-2-65	Order Entered: Defendants' motion requesting Court to amend its order of Aug. 28, 1964 sustained; Order amended to permit General Assembly of Tenn. to consider the matter of apportionment in an extraordinary session rather than the regular session which adjourned on March 19, 1965. (Attested copy to attorneys of record)	
6-2-65	Amended and Supplemental Complaint of Intervening Plaintiff, Ben West, filed. Certificate of service attached.	
6-16-65	Answer of Intervening Defendants, Tennessee Farm Bureau Federation, Inc., to Amended and Supplemental Complaint of Intervening Plaintiff Ben West, filed. Certificate of service attached.	
6-18-65	Answer of Original Defendants to Amended and Supplemental complaint of Intervening Plaintiff Ben West, with certificate of service, filed.	
6-18-65	Motion for Summary Judgment on Behalf of Original Defendants with Exhibits A, B & C, filed. Certificate of service attached.	
7-8-65	Plaintiffs' Motion for Summary Judgment filed. Certificate of service attached.	
7-9-65	Petition of Beverly Briley, Mayor of the Metropolitan Government of Nashville and Davidson County, Tennessee, filed. Certificate of service attached.	
7-15-65	Order entered: Action reopened for consideration by 3-judge court for validity of legislation enacted by 1965 General Assembly of Tennessee and any other issues developed by pleadings; Hearing set 9-7-65, 9:00 a.m., CST. (Attested copy to attorneys of record)	
7-26-65	Motion to Add to and Supplement the Motion Heretofore Filed by Original Plaintiffs for a Summary Judgment.	
7-29-65	Certificate of service as to Motion to Add to and Supplement previous motion for summary judgment, filed by plaintiffs.	
8-24-65	Pre-Trial Order entered. Copy to attorneys of record.	
8-30-65	Answer to Amended and Supplemental Complaint of Intervening Plaintiff, Ben West, filed. Certificate of service attached.	
8-30-65	Answer of Original Plaintiffs to Attorney General's Motion for Summary Judgment, filed. Certificate of service attached.	
8-30-65	Memorandum Brief and Argument for Intervening Defendants filed. Certificate of Service attached.	
8-31-65	Brief in Support of Motion for Summary Judgment by Original Plaintiffs, Except W. D. Hudson, Now Deceased;.....Supplemental Brief of Original Plaintiffs on Motion for Summary Judgment, filed by the Hon. Hobart F. Atkins and the Hon. Walter Chandler on behalf of Original Plaintiffs.	
9-1-65	Memorandum Brief on Behalf of Ben West, Intervening Plaintiff, filed.	
9-2-65	Subpoena issued to Joe Haas to appear at 9:00 A.M., September 8, 1965 on behalf of the defendants.	
9-2-65	Certificate of Service as to Brief in Support of Motion for Summary Judgment filed Aug. 31, 1965 on behalf of plaintiffs, filed.	

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CHARLES W. BAKER, ET AL v. JOE C. CARR, ET AL

REPRODUCED AT NARA

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-65	Brief and Argument on Behalf of Original Defendants in Support of Their Motion for Summary Judgment with certificate of service filed.	
9-2-65	Memorandum Brief on Behalf of Beverly Briley, Intervening Plaintiff, filed. Certificate of service attached.	
9-2-65	Affidavit of Joseph R. Haas in Support of Intervening Plaintiffs filed, Certificate of service attached.	
9-7-65	Subpoena issued to James J. Mynatt to appear at 9:00 A.M., Sept. 8, 1965 on behalf of the defendants.	
9-9-65	Return of Subpoenas executed as to Joe Haas and James J. Mynatt, filed. MEF \$4.48.	
9-10-65	Supplemental Memorandum for Intervening Defendants filed on behalf of Tenn. Farm Bureau Federation, et al, Certificate of service attached.	
9-13-65	Memorandum - List of Cases Asked for in Pre-Trial Memorandum of Court in Item 4 - Cases in State Courts, Prepared by Walter Chandler, for Original Plaintiffs, filed., Certificate of service attached.	
9-15-65	Objection to Supplemental Memorandum for Intervening Defendants filed by original plaintiffs, certificate of service attached.	
11-15-65	Opinion of the Court entered. Copies to Attorneys of Record.	
12-8-65	FINAL JUDGMENT entered: In accordance with its Opinion, Court finds 1965 Apportionment Act of Tenn. a federally constitutional apportionment; Motion of Original Plaintiffs for Summary Judgment denied, Motion of Original Defendants for Summary Judgment sustained, Case Placed on Retired Docket; Certified copy of Order to be furnished the Attorney General of Tennessee. (Certified copy to Hon. George H. McCanless, attested copies to all attorneys of record)	
1-29-69	Order Entered signed by Harris A. Gilbert, for the Plf., Neill S. Brown, Director of Law, Metro Govt., and Milton P. Rice, atty for Joe Carr, et al: Clerk directed to pay from Registry remaining balance of \$577.85 to Metro. Govt.	