

SCOTT CIRCUIT COURT.

Commonwealth of Kentucky

Plaintiff

vs. Challenge to ~~Second Division of the Third~~ Special Venire, ^{from Grant County} and Motion to Quash and Discharge the same.

Caleb Powers,

Defendant.

The defendant, Caleb Powers, now comes and enters his challenge ^{venue summoned from Grant County to appear in this Court on} to the ~~Second Division of the Third Special Venire~~, said ~~Second~~ ^{Monday Nov 25th 1907} ~~Division~~ as originally reported consisting of one hundred and thirty four men, all of whom have been selected and summoned by the Sheriff and Deputy Sheriff of this Court from Grant County pursuant to an order of this Court entered herein Nov. 20th 1907, and the members of which ~~Second Division of said Third Special Venire~~ ^{venue} appeared and reported for duty in this Court on Monday, November 25th 1907; and before the examination of any of said veniremen on their voir dire is begun, defendant moves the Court to quash said ~~second~~ ~~Third~~ ~~Special Venire~~ and to discharge each and all of the men composing said ~~Second Division of said Third~~ Venire upon the ground of substantial and prejudicial irregularities upon the part of said officers in selecting and summoning said ~~Second Division of said Third~~ Special Venire and the several members thereof and he avers that the irregularities complained of are more specifically set out in defendant's affidavit herewith filed in support of his present challenge and motion.

Defendant further avers and charges that the said ~~Second Division of said Third~~ Special Venire returned herein on Monday, November 25th 1907 and the citizens composing same, are not impartial nor have they, or any of them, been fairly or impartially selected or fairly or impartially summoned by the officers charged with the duty of selecting and summoning said veniremen within the meaning of the Constitution and laws of Kentucky and the Constitution of the United States and the several amendments thereto; that fully three fourths of the men composing said ~~Second Division of said Third~~ Special Venire are members of the Democratic Party and in affiliation therewith, and have been and are warm friends and