Union Springs, Alabama, 1945:

Three Months and Three Victims

Hunter Keil, Northeastern University School of Law ’13
Civil Rights and Restorative Justice Clinic
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INTRODUCTION

Union Springs is a small town in Bullock County, Alabama. It is located in the South-Eastern portion of the state, about 40 miles south-east of Montgomery. In 1945, it had a population of approximately 3,000; approximately 2,000 of its residents were African-American.\(^1\) The African-American population was relatively well off compared to similar towns, with African-American owned businesses populating the main strip of town.\(^2\) The majority of the community lived outside of the town, but Union Springs was a convenient center for those living in the countryside.\(^3\)

In the summer of 1945, World War II was ending, and America was beginning to look forward to the post-war period. The town of Union Springs hired a new police officer from River Falls, Alabama, in Covington County. This officer, Dewey Columbus Bradley, a forty-three year-old widower,\(^4\) \(^5\) stood 5’ 7 1/2” and had a heavy build. He wore glasses, had brown hair and a ruddy complexion. In a three month period between October and December of 1945 he shot three African-American residents of the town. Two of his victims died, and the third lost his right eye. He never faced legal action by either the local or the federal government in connection with this violence. Finally, after the third shooting, Dewey Bradley was discharged from the Union Springs police force, but he continued to reside in Union Springs, employed as a mechanic.

EDGAR BERNARD THOMAS, THE FIRST VICTIM

Edgar Bernard Thomas, a 63 year old African-American, was the first man Bradley killed. He came from a family that had enjoyed some moderate financial success, but had also encountered trouble, due to their success. At the time of his murder, Edgar Thomas owned his

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\(^1\) Kenneth C. Kennedy, Southern Negro Youth Congress Report (on file with author) (hereinafter “SNYC
\(^2\) Id.
\(^3\) Id.
\(^4\) Id.
\(^5\) Id.
Donahoo Field Report, 42.
own shop and café in the center of Union Springs, and his daughter had recently graduated from Tuskegee University. His father, John L. Thomas, had been a property owner as well, but had been run out of town at the turn of the century because of the way he used that land. John L. Thomas had bought up land, subdivided it, and sold it to African-American tenant farmers. Because of these actions, John L. Thomas was arrested, then forced to flee town. He was living in Chicago at the time that his son was killed. The Southern Negro Youth Congress (SNYC) reported that this episode of repression stood as a warning to the African-American community in Union Springs.

On October 7, 1945, Edgar Thomas was in the back of his store with his friend before he opened it for the morning when Dewey Bradley and another officer came into the store. Bradley proceeded to the back of the store and began physically beating Edgar Thomas before he arrested Thomas on a charge of disorderly conduct.

The SNYC reported that this action was unprovoked, however, one witness remembers another motivation. This witness, who was interviewed by CRRJ, was eight years old at the time and spent his days shining shoes in the street outside of Edgar Thomas’ shop. He remembers that the violence between Edgar Thomas and Dewey Bradley originated in a conflict over a woman. Edgar Thomas had been involved with an African-American woman who worked at the cotton mill. Dewey Bradley also developed a relationship with this woman. According to this witness, Edgar Thomas and Dewey Bradley had confronted each other over this woman prior to that

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6 Telephone Interview with Elizabeth Thomas McKinney, (December 4, 2012).
7 SNYC Report, supra note 1.
8 Id.
9 Id.
10 Id.
11 The Reverend J.L. Pinkney reported to the NAACP that the official charge of disorderly conduct was for swearing in his store, Statement of J. L. Pinkney to NAACP, Papers of the NAACP, Part 8, Series B, reel 22; see also SNYC Report, supra note 1.
morning in the store, and Bradley had Thomas arrested.\(^{12}\) That arrest occurred the week before Bradley shot and killed Thomas.

After being held for about two hours, Edgar Thomas was released on bail the same day that he was arrested.\(^{13}\) The SNYC reported that white townspeople had protested Thomas’s arrest.\(^{14}\) The SNYC also reported that the residents demanded that city authorities relieve Dewey Bradley of his duties.\(^{15}\) The Reverend J.L. Pinkney, who owned a store two doors down from Edgar Thomas’s store, later told the NAACP that Edgar Thomas himself spoke to the mayor of Union Springs and also to members of the City Council, urging them to discipline Dewey Bradley.\(^{16}\) In a statement to the FBI, Mayor C. A. May confirmed that in fact he had a conversation with Edgar Thomas following his arrest, but he would not disclose to the FBI what was said.\(^{17}\) According to Reverend Pinkney, the mayor and councilman agreed to discipline or discharge Dewey Bradley and another officer,\(^{18}\) but it appears that no action was taken.

For five days after Edgar Thomas’ arrest, nothing happened. Dewey Bradley claimed that Thomas made threats on his life during that time and was stalking him around town, but there are no reports of an actual altercation.\(^{19}\) Some white witnesses made statements to the FBI

\(^{12}\) Interview by Bayliss Fiddiman with Whiley Thomas in Montgomery, AL (Oct. 25, 2012).
\(^{13}\) Statement of J. L. Pinkney to NAACP, supra note 11; See also SNYC Report, supra note 1.
\(^{14}\) SNYC Report, supra note 1.
\(^{15}\) Id.
\(^{16}\) Statement of J. L. Pinkney to NAACP, supra note 11.
\(^{18}\) Statement of J. L. Pinkney to NAACP, supra note 11.
\(^{19}\) SNYC Report, supra note 1.
corroborating Bradley’s claim that Thomas was following him around town, but there were other witnesses who claimed that Thomas never made any threats towards Bradley.

Finally, on Saturday morning, October 13, Dewey Bradley returned to Edgar Thomas’ store with another police officer, Assistant Chief of Police Hollis Eugene Whittle. Assistant Chief Whittle told the FBI that, upon coming into work that morning, Dewey Bradley told him that Edgar Thomas had followed him “up and down the streets of Union Springs that past night.” Bradley asked Whittle to accompany him to Edgar Thomas’ store.

There are differing accounts of what happened next, but all agree that Dewey Bradley shot Edgar Thomas multiple times using a shotgun, and possibly a revolver as well. According to the FBI investigation, there was a man in the store with Edgar Thomas that morning. That man became a confidential informant for the FBI because he feared for his safety; he is identified as “T-1” in the FBI file. His real name was Dutch Brown. He described the attack to the FBI as follows:

T-1 related that Officers Whittle and Bradley had come into Thomas’s place about 8 A.M. Sunday morning, October, 13, 1945. WHITTLE proceeded to the rear of the restaurant and BRADLEY remained in front and both ordered THOMAS to get out of the café. THOMAS asked ‘what is this all about?’ but was again ordered to get out. T-1 stated that at this time WHITTLE was armed with a sawed off shotgun and BRADLEY only with side arms. He stated that THOMAS made no menacing gesture towards either officer, but as the three moved toward the

20 See Statement of Ina Smithson, Donahoo Field Report, supra note 17, at 8; Statement of J. E. Youmans, Donahoo Field Report, supra note 17, at 9; Statement of Hollis E. Whittle, Donahoo Field Report, supra note 17, at 12.
21 Statement of C. L. Golson, Donahoo Field Report, supra note 17, at 10 – 11 (stating that Thomas had confided in him before his murder that Thomas was afraid he would have to leave town to avoid trouble with Bradley, but that he never made any threats towards Bradley); Statement of C. N. Norton, Donahoo Field Report, supra note 17 at 11; Statement of F. M. Moseley, Donahoo Field Report, supra note 17, at 9.
22 SNYC Report, supra note 1.
23 Donahoo Field Report, supra note 17, at 3.
24 Id.
25 Id. at 44.
26 All reports agree that Edgar Thomas was killed on October 13, 1945. That date was a Saturday despite this reference to it as a Sunday in the FBI file.
front door, BRADLEY, without provocation, fired – hitting THOMAS in the face. He stated that THOMAS cried out and then BRADLEY fired again. THOMAS then ran to the back of the restaurant and BRADLEY fired three more shots. At that point he states that THOMAS cried ‘please don’t kill me.’ Bradley then reloaded his 38 and fired five more rounds into THOMAS and THOMAS fell. BRADLEY then walked out the restaurant. T-1 states that he then heard THOMAS moan, after which BRADLEY came back into the restaurant, took WHITTLE’s shotgun from him and fired two shots into Thomas’s forehead.  

The young boy who shined shoes kept his stool and material inside of Edgar Thomas’ shop, and that morning he was just coming into the shop to set up for the day when he witnessed the murder. As he recalled it, Edgar Thomas had a gun of his own in the cash register drawer. He recalled that Edgar Thomas was in the store when Bradley arrived. Bradley shot Thomas once. Then Thomas spun from the impact of the bullet and reached for his own gun in the cash register. Before he could grab it, Bradley shot him again, and Edgar Thomas died with his hand hanging out of the cash register drawer next to his gun.

Reverend. J.L. Pinkney gave a statement to the NAACP shortly after the murder. He stated that he moved from his barbershop to the store adjacent to Edgar Thomas’s café when he saw Dewey Bradley approaching. As Bradley entered, Reverend Pinkney reported that he heard him say “[w]e have come to get you,” to which Thomas replied “[w]hat in the name of the Lord are you going to get me for?” Reverend Pinkney heard other statements by the police officers as they were shooting Thomas, including “We’re going to run this damn town. I’ll kill every black son of a bitch on the street.” Later, on the day of the Thomas murder, the Chief of Police and Assistant Chief of Police came into Pinkney’s barbershop, threatened him and told him to

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27 Donahoo Field Report, supra note 17, at 3.
28 Interview with Whiley Thomas, supra note 11.
29 Id.
30 Id.
31 Statement of J. L. Pinkney to NAACP, supra note 11.
32 Id.
leave town. They told him “You see what happened to that son of a bitch next door, the same thing will happen to you.” Reverend Pinkney then “left without his hat and left his wife weeping. He went into the woods and managed to get to Montgomery, Alabama and on to Chicago.”

Lee Padget, a white resident of Union Springs, owned a welding shop about fifty yards from the rear of Thomas’ café. On the morning of October 13, 1945 Padget heard shots in Thomas’ store and rushed over to see what happened. Through the window, he saw Bradley shoot his gun into the area of the kitchen. Afterwards Dewey Bradley came out the rear of the store and said to him, “[I]f you want to see a dead son of a bitch come in and take a look.”

Padget then entered the store and “saw E.B. Thomas on the floor with the top of his head blown off.”

After the shooting of Edgar Thomas, Whittle and Bradley stayed outside of the store until the Chief of Police, R. L. Gardner arrived approximately thirty minutes later. Chief Gardner placed Bradley in jail without formally charging him. He explained to the FBI that he had arrested him for “safe keeping,” but did not explain why he felt that Bradley needed to be arrested for safe keeping. Sherriff W. P. Pickett was out of town at the time of the shooting. When he returned and found Bradley in jail, he obtained a warrant for Bradley’s arrest and took him before a justice of the peace. Pursuant to an agreement with the county solicitor, Bradley

34 Id. at 2.
35 Statement of J. L. Pinkney to NAACP, supra note 11.
36 Statement of Lee Padget, Donahoo Field Report, supra note 17, at 6 – 7.
37 Id. at 7.
38 Id.
40 Donahoo Field Report, supra note 17, at 5.
41 Id.
waived a preliminary hearing and was released on $1,000 bond.\footnote{Id. at 6.} He was neither suspended nor dismissed from the police force at this point. Rather, he continued to serve as a police officer while out on bond. On February 4, 1946, a circuit grand jury convened\footnote{Id.} to consider a charge of manslaughter against Dewey Bradley in the Thomas killing. On February 5 – after Bradley had shot and killed a second man and seriously wounded a third – the grand jury returned a no true bill.

### III. ALGER LEE GARY,\footnote{The true name of this victim is Alger Lee Gary, however, most reports refer to him as Ed Day Gary. I will refer to him throughout this paper as Alger Lee Gary in order to avoid confusion because his father’s name was Ed Gary. See Donahoo Field Report, supra note 17, at 18.} THE SECOND VICTIM

On October 23, 1945, nearly three weeks after Edgar Thomas had been killed, Alger Lee Gary was discharged from the army and returned to his home of Union Springs, Alabama. A little over a week later, on November 3, 1945, Alger Lee Gary took his father to town in the morning, about 11:00 AM.\footnote{Statement of Alger Lee Gary, Donahoo Field Report, supra note 17, at 18.} That evening, Alger Lee Gary was shot and blinded in his right eye by Bradley.

While in town, both father and son drank, but accounts differ as to how intoxicated they became.\footnote{Statement of Ed Gary, Donahoo Field Report, supra note 16, at 21; Statement of Ludia Bell Smith, Donahoo Field Report, supra note 17, at 23 (“Alger had been drinking some beer but he was not drunk.”); Statement of Sam Fitzpatrick, Donahoo Field Report, supra note 17, at 26; \textit{contrast} Statement of N. B. Bald, Donahoo Field Report, supra note 17, at 29 – 30.} In the evening, Alger Lee Gary’s father was arrested for being intoxicated.\footnote{Statement of Ed Gary, Donahoo Field Report, supra note 17, at 20. Apparently Ed Gary had been arrested after a white shop owner, S. D. Renfroe, called the police to report him for being drunk in public. According to Renfroe, Alger Lee Gary was present at the time that his father was arrested and proceeded to yell and brandish a knife after his father was arrested. This account, however, is inconsistent with every other account. Statement of S. D. Renfroe, Donahoo Field Report, supra note 17, at 24.} At around 7:00 PM, Alger Lee Gary was in his car with his mother, his brother, and his brother-in-
law when his uncle came up and informed them of the arrest.\footnote{48 Statement of Alger Lee Gary, Donahoo Field Report, \textit{supra} note 17, at 18.} Gary, along with his family members, drove to a service station where they waited to pick up Gary’s sister, who had been at the movies. About the time that Gary’s sister got out of the movies and was coming over to the car. Also approaching the car were Police Officer Dewey Bradley and Assistant Chief of Police Hollis E. Whittle, who had accompanied Bradley when he shot Edgar Thomas.\footnote{49 Id.} \footnote{50 Statement of Hollis E. Whittle, Donahoo Field Report, \textit{supra} note 17, at 31. By the time the FBI investigated these shootings, Whittle had left Union Springs to become Chief of Police in River Falls, Alabama.} 

Bradley accused Gary of attempting to take his gun, of “raising sand,” and asked Gary to hand over the keys to his car.\footnote{51 Statement of Alger Lee Gary, Donahoo Field Report, \textit{supra} note 17, at 18.} Gary denied all Bradley accused him of.\footnote{52 Id.} Officer Bradley responded by ordering Gary out of the car.\footnote{53 Id.} When Gary exited the car, Bradley hit him in the head with a blackjack, and then shot him above the eye.\footnote{54 Id. at 18-19.} 

According to the FBI Field Report, Assistant Chief of Police Whittle claimed that Alger Lee Gary had provoked the shooting by attempting, unsuccessfully, to grab Bradley’s nightstick. Another witness, the white business owner Lee Padget, reported that he saw Alger Lee Gary make a “motion” before he was shot, but he could not tell whether the motion was an attack on Bradley or not.\footnote{55 Statement of Lee Padget, Donahoo Field Report, \textit{supra} note 17, at 29.} Although Padget described “a motion,” Whittle claimed that Gary attempted to grab Bradley’s nightstick three times before Bradley shot him.\footnote{56 Id. at 18-19.} Finally, in a statement to the FBI made on his behalf by his lawyer, Officer Bradley claimed that Alger Lee Gary did indeed grab his nightstick, and had raised it up in order to hit him. At that point, Bradley, stated, he had

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\item \footnote{48 Statement of Alger Lee Gary, Donahoo Field Report, \textit{supra} note 17, at 18.}
\item \footnote{49 Id.}
\item \footnote{50 Statement of Hollis E. Whittle, Donahoo Field Report, \textit{supra} note 17, at 31. By the time the FBI investigated these shootings, Whittle had left Union Springs to become Chief of Police in River Falls, Alabama.}
\item \footnote{51 Statement of Alger Lee Gary, Donahoo Field Report, \textit{supra} note 17, at 18.}
\item \footnote{52 Id.}
\item \footnote{53 Id.}
\item \footnote{54 Id. at 18-19.}
\item \footnote{55 Statement of Lee Padget, Donahoo Field Report, \textit{supra} note 17, at 29.}
\item \footnote{56 Statement of Hollis E. Whittle, Donahoo Field Report, \textit{supra} note 17, at 31 – 32; Statement of Lee Padget, Donahoo Field Report, \textit{supra} note 17, at 29.}
\end{itemize}
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shot Gary above the eye.\textsuperscript{57} Bradley was the only witness to claim that Gary had a hold on his night stick.

After shooting Alger Lee Gary in the eye, Officer Bradley ordered the other members of Gary’s family out of the car and made them stand in a line.\textsuperscript{58} Officer Bradley then took Alger Lee Gary to the county jail without placing him under arrest.\textsuperscript{59} After twenty to thirty minutes in jail, the city doctor came to attend Gary’s gunshot wound.\textsuperscript{60} After his eye had been examined by the doctor, the Chief of Police came and released Gary from jail without ever charging him.\textsuperscript{61} An undertaker in town, Elliot Allen, then took Alger Lee Gary to the Veterans Hospital in Tuskegee, where his right eye had to be removed.\textsuperscript{62}

Chief of Police R. L. Gardner told the FBI that he knew only the general outline of the shooting of Alger Lee Gary, and that no investigation was conducted - despite the fact that Dewey Bradley was still out on bond for the murder of Edgar Thomas when he shot Alger Lee Gary.\textsuperscript{63} Indeed, it was several months when the Grand Jury brought back the verdict of no true bill, absolving Bradley of that charge. The case involving Officer Bradley’s shooting of Alger Lee Gary was not considered by the circuit Grand Jury. Sheriff J. L. Pickett – having recently returned from military service and taken over the duties of sheriff from his father, W.P. Pickett,\textsuperscript{64} who was sheriff at the time of Edgar Thomas’ murder – explained the failure to investigate to the FBI by noting that the shooting of Gary was not a homicide.\textsuperscript{65}

\textsuperscript{57} Statement of Dewey Bradley, Donahoo Field Report, supra note 17, at 22 – 23.
\textsuperscript{58} Statement of Alger Lee Gary, Donahoo Field Report, supra note 17, at 19
\textsuperscript{59} Id.
\textsuperscript{60} Id.
\textsuperscript{61} Id.
\textsuperscript{62} Id.; Donahoo Field Report, supra note 17, at 19 – 20.
\textsuperscript{63} Donahoo Field Report, supra note 17, at 29.
\textsuperscript{64} Id. at 34.
\textsuperscript{65} Id. at 33.
IV. JESSIE HIGHTOWER, THE THIRD VICTIM

On Saturday, December 1, 1945 Jessie Hightower, his wife Ada Hightower, and her mother Mary Posy were in front of Miller Green Furniture Co. in Union Springs at around 5:00 PM. Jessie Hightower had been drinking and was talking loudly to his wife. Some claimed that they were fighting, but his wife’s recollection was that Jessie Hightower was “talking loud to me about how he loved me. He always talked loud when he was drinking.” She added, “Jessie and I were not fighting and we did not even touch each other.” At that time Officer Dewey Bradley approached the trio and demanded a knife from Jessie Hightower. When Hightower did not oblige, Bradley hit him several times on the head with a black jack. Ada Hightower related what happened next:

Jessie then reached for a silver table knife with no handle on it, which he had in his right hip pocket. When Jessie pulled the knife out the policeman hit him on the right wrist with his blackjack and knocked the knife down on the ground. After this the policeman kept hitting him on the head with his blackjack and Jessie said, ‘don’t hit me any more, there’s the damned knife on the ground.’ The policeman said ‘you damned son of a bitch, don’t cuss at me.’ The policeman then pulled his pistol out and shot Jessie through the heart.

After Hightower was shot, Dr. Gomez, an African-American doctor in the town, arrived on the scene and pronounced him dead.

In an interview with the FBI, Chief of Police J. L. Gardner again denied knowing any specifics about the case beyond the barest details. He said that Officer Dewey Bradley was

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66 Statement of Ada Hightower, Donahoo Field Report, supra note 17, at 36.
67 Id.
68 Id.
69 Id.
70 Id.
71 Id.
72 Statement of W. I. Miller, Donahoo Field Report, supra note 17, at 4.
forced to shoot Jessie Hightower because of Hightower’s knife.\textsuperscript{73} Sheriff J. L. Pickett told the FBI that he had investigated the case, and concluded that it was necessary for Bradley to shoot Hightower because Hightower had grabbed Bradley’s stick while brandishing a knife.\textsuperscript{74} Sheriff Pickett concluded that as Bradley had acted in self defense, no arrest was necessary, although he did acknowledge that the grand jury would investigate the incident since the grand jury was charged with investigating all homicides.\textsuperscript{75}

\section{V. \hspace{1em} AFTERMATH AND LEGAL CONSEQUENCES}

Dewey Bradley was never called to account in a criminal trial for the three acts of violence that he committed as a police officer. The Circuit Grand Jury declined to indict him for the murder of Edgar Thomas, the first death for which he was responsible. Given the other two shootings by Officer Bradley, it seems likely that the matter of Edgar Thomas’s death was sent to the grand jury only because Chief of Police Gardner had initially placed Bradley in jail without charging him while Sheriff Pickett was out of town. The Circuit Grand Jury “failed to find sufficient evidence to justify an arrest” for the murder of Jessie Hightower,\textsuperscript{76} and the shooting of Alger Lee Gary was never brought before it.

County Solicitor Robert Cope would have been responsible for prosecuting Dewey Bradley,\textsuperscript{77} but Robert Cope had represented Bradley in the FBI investigation into the shootings.\textsuperscript{78} Cope told the FBI that he was the local prosecutor as well as Bradley’s counsel, but maintained that he would not allow Bradley to make any statements to the FBI because he believed the

\textsuperscript{73} Donahoo Field Report, supra note 17, at 34.
\textsuperscript{74} Id.
\textsuperscript{75} Id.
\textsuperscript{76} Id. at 42
\textsuperscript{77} Id. at 15.
\textsuperscript{78} Id.
investigation was “being instigated in Washington by Negro pressure groups.” Attorney Cope allowed Bradley to provide only signed statements to the FBI. 

Although the FBI investigated these events, the Department of Justice decided not to pursue charges. A short memorandum from Assistant Attorney General Theron L. Caudle to FBI Director Herbert Hoover on June 20, 1946 sets forth the Department’s reasoning. Caudle first noted the recommendation of the United States Attorney Parker in Montgomery, Alabama, who had written:

In view of the testimony set out in the reports, the fact that the state court failed to find sufficient evidence to prosecute the case, and the fact that the subject has been dismissed from service by the police department of Union Springs, Alabama, I think it advisable to decline prosecution, and am closing the file in my office.

Assistant Attorney General Caudle then observed:

In view of the foregoing position of Mr. Parker and in view of the fact that in each of the incidents investigated supposedly unbiased witnesses have stated that some sort of resistance or assault was offered by the victim to the officers at the time of the shooting, the matter is being closed and no further investigation will be desired.

Dewey Bradley was discharged from the police force in Union Springs on December 4, 1945, three days after the shooting of Jessie Hightower. The official reason given was “conduct unbecoming an officer.” When pressed by the FBI, Chief of Police R. L. Gardiner admitted that Bradley was dismissed because he was “a little too quick on the trigger.” At the time of the

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79 Id. at 15 – 16.
80 Id.
81 Office Memorandum from Theron L. Caudle to Herbert Hoover, RE: Dewey Columbus Bradley, June 20, 1946, Bureau File 44-HQ-1324-5.
82 In the synopsis of his field report, FBI Agent Henry Donahoo concluded that “Negro witnesses in each case state subject shot and killed THOMAS and HIGHTOWER and wounded GARRY without apparent cause, while white witnesses state the victims in each case made a motion as if to attack or disarm the subject.” Donahoo Field Report, supra note 17, at 1.
83 Office Memorandum from Theron L. Caudle, supra note 76.
84 Donahoo Field Report, supra note 17, at 4.
85 Id. at 5.
FBI’s investigation, however, Bradley still resided in Union Springs and was employed at the State Highway Garage. 86

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86 *Id.* at 33.