

## IN MEMORIAM

## TYLER BERRY, JR.

Members of the Nashville Bar Association are gathered this Thursday, 21 November, 1996, to pay our respect and tribute to the memory of the late TYLER BERRY, JR., who passed to his eternal rest on 27 February 1996.

## RECITALS

TYLER BERRY, JR. was a native of Franklin, Williamson County, Tennessee. He grew up in Franklin, attended Battle Ground Academy, Vanderbilt University and then Cumberland Law School.

Mr. Berry was a true Tennessee Volunteer. He first enlisted in the U. S. Army Reserve and was initially assigned to the Field Artillery. Later he completed Officers' Candidate School for the Judge Advocate General's Corps.

At age 32, he requested and received an assignment to the Pacific Theater of operations where he participated in the Southern Philippines Luzon battles and campaigns, earning two Bronze Stars. During the time that he was in command of a Corps-level 155 mm "long tom" artillery battery, three Japanese tanks would periodically appear in the distance and fire upon American troops. No one had been able to stop the tanks until Captain Berry recruited a fellow Tennessean who happened to be one of the unit's crack shots with the 155. As each tank popped up on the distant horizon to fire on our troops, this Tennessee duo firing the large artillery piece "line of sight" like a rifle, struck each tank's turret, destroying all three tanks; and thus safeguarding the American infantrymen from further danger.

Following the cessation of hostilities, Captain Berry was assigned to serve as an attorney on the defense team of lawyers defending one of the Japanese generals accused of war crimes. Mr. Berry always referred to the Japanese general with respect and admiration. The general was eventually hanged and Mr. Berry always felt bad that they had unable to save this defendant.

After the war trials, Captain Berry returned to Middle Tennessee and continued his professional life, practicing in Williamson County and Franklin in particular. At this time, Franklin was a small town; and Mr. Berry's children remember him coming home every day at noon to eat dinner. His daughter, Avalyn, recalls this time similar to Scout, the daughter of Atticus Finch in Harper Lee's *To Kill a Mockingbird*. She would run to meet him on the sidewalk and enjoy hearing his stories as they walked home together.

Mr. Berry's practice included appearances in all state courts, the U.S. District Court and the State Courts of Appeal. He served as interim County Judge. One particular case demonstrates his legal skills.

Mr. Berry hunted big game in Africa, Alaska, the Yukon and throughout the Western United States. He enjoyed shooting and loading his own ammunition. During one trial when Mr. Berry represented a man charged with murder, the prosecution produced a ballistics expert of great fame. Before a packed courtroom, Mr. Berry totally repudiated the ballistics expert on cross-examination and won an acquittal for his client.

Mr. Berry was a man of great character and a man of his word. One always knew where he stood with Mr. Berry who minced few words. One time his colleagues encouraged him to run for Congress, but following an interview where he demonstrated his candor and unswerving conservative views, his colleagues decided that maybe someone else would be a better candidate.

Mr. Berry possessed wisdom and logic. He enjoyed discussing and debating legal matters with more emphasis on practical applications than arcane theories of law.

He came from a long line of lawyers, his grandfather, Cabell Rieves Berry, was a lawyer and Speaker of the Tennessee Senate, 1885 to 1887. His father, Tyler Rieves Berry, practiced law in Franklin and later served as Chief Examiner of the Federal Communications Commission in Washington, D.C. Mr. Berry was admitted to the Tennessee bar in 1936 and practiced law in Franklin for almost 50 years. He was elected Williamson County Attorney in 1938 and served in that position until 1967, except when he served in World War II, and for the period from 1951 to 1956.

Mr. Berry's law practice, with Berry & Berry, gave him the opportunity to help and assist many people with their legal problems. He especially enjoyed practicing law with his son, Tyler Berry III.

Mr. Berry was married to Sara Roberts Berry for 49 years and until her death, and thereafter was married for 16 years to Nancy Ragsdale Berry until his death. Mr. Berry is survived by his wife, a daughter, Mrs. Avalyn Berry Swain, his son, six grandchildren and four great-grandchildren.

**THEREFORE, BE IT RESOLVED THAT** the Nashville Bar Association evidence its respect of the life of the late **TYLER BERRY, JR.** to his family and friends by and through this Memorial Resolution;

And it is respectfully moved by this Memorial Resolution dedicated to the memory of the late **TYLER BERRY, JR.** be adopted by this Nashville Bar Association and be spread on the Minutes of the Memorial Book of the Nashville Bar Association maintained in the offices of the Clerk and Master, Davidson County, Tennessee, and that a copy of this Memorial Resolution be presented to the family in memory of the late **TYLER BERRY, JR.**

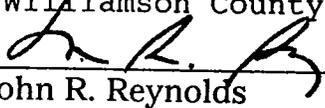
Respectfully submitted,

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JOSEPH W. GIBBS

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JUDGE THOMAS A. HIGGINS

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TIMOTHY W. SWAIN  
(Illinois Bar Association)

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WILLIAM DON YOUNG  
(Williamson County Bar Association)

  
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John R. Reynolds

Memorial Committee