

Be it remembered that at a circuit Court begun and held for Plaut
County, at the Court house in Marquette and the first Monday
of February 1814, before the Honorable Archibald Roane, one
of the Judges of the Circuit Courts of the State of Tennessee.

The following gentlemen were elected, sworn, and charged as a
grand Jury for the County of Plaut to wit: James McLeanham
foreman, Samuel Gould, Jonathan Meir, Alexander McCollum,
John M. Alroy, James Clark, Bennett James, John Gault, John
H. Garner, John Plazick, Charles Kirkpatrick, Samuel Blackburn,
and James Taylor. And upon the 9th day of February, being the
^{thirty}~~fourth~~ day of said Term, returned into Court in Indictment, in the
following words to wit:

State of Tennessee
Second Circuit }
Plaut County }

February Term 1814.

The Grand Jurors for the State of Tennessee, unpawned
sworn and charged, to enquire for the body of the County of Plaut, upon
their oath do present and say that a certain James Price, late of said
County, labourer, on the fifth day of February in the year of our Lord
one thousand eight hundred and thirteen, at to wit: at in the County
of Plaut aforesaid, within the second Judicial circuit of the State
of Tennessee and within the Jurisdiction of this Court, with force and
arms and negro man slave, called and known by the name of Charles,
the property of and owned and employed by a certain Panner Shields,
then and there being guards, did then and there feloniously steal, take
and carry away with an intention to appropriate said negro Charles,
to his said James Price's own use, contrary to the laws of the act
of the General Assembly in such case made and provided and of
force in this State, to the evil example of all like offenders, and against
the peace and dignity of the State.

And the Grand Jurors aforesaid for the County and State
aforesaid upon their oath aforesaid do further present and say, that
the said James Price, on the day and year aforesaid, at to wit: at in
the County aforesaid, with force and arms and other negro man slave
called and known by the name of Charles the property of and owned
and employed by the said Panner Shields, then and there being
guards did then and there feloniously seduce, steal, take, and carry

away, with an intention to sell or dispose of to another, or to appropriate said negro Charles, to his said James Price and use, contrary to the form of the Statute in such cases made and provided, and as farred in this State, to the evil example of all like offenders, against the peace and dignity of this State.

And the Grand Jurors aforesaid for the State and County aforesaid, upon their oath aforesaid, do further present and say, that the said James Price, late of said County, labourer, on the day and year aforesaid, and at to wit, at in the County aforesaid, with force and arms and other negro man slave, called and known by the name of Charles the property of and owned and employed, by a certain James Shields, then and there being found, did then and there feloniously steal, take, and carry away contrary to the form of the Statute in such cases made and provided and as farred in this State, to the evil example of all like offenders, and against the peace and dignity of this State.

Jas. C. Mitchell
Solicitor General of the Second Circuit

On the back of which bill of Indictment was endorsed "James Shields prosecutor and witness, sworn and sent to the Grand Jury" Robert H. Stanton Clk, together with this endorsement "A true bill James McQuarrie foreman".

At which time came James C. Mitchell who prosecuted for the State, and the said James Price in custody of the Sheriff, being placed at the bar, was arraigned, and hearing the Indictment read says, he is thereof not guilty: and for his trial puts himself upon his country and the Solicitor doth the like. And on Friday being the 15th day of the said Term, the said James Price was placed at the bar, in custody of the Sheriff and upon an affidavit, moved the Court for a continuance of this

cause, which motion after solemn argument of, counsel on both sides was overruled. Whereupon came a jury, to wit: James Price, John Hollaway, Sr., Joseph Rodgers, Jacob Thomas, John Ransbarger, John Bidelle, John Barnett, Samuel Morris, James Currier, William Stephenson, James McEllen, and James McElroy; who being elected tried and sworn, with and truly to try the issue ~~and~~ traversed, in this case do say, The Defendant James Price is guilty of feloniously stealing the Negro, in manner and form, as charged in the bill of Indictment.

And The said James Price, thereupon by attorney files reasons in arrest of Judgment in the following words to wit.

"And the Defendant James Price, in proper person comes into Court and says that in the record and proceedings, as also in the rendering of the Verdict in the said cause there is manifest error in this,

1st "The Verdict of the Jury finds the prisoner guilty generally on the whole of the Indictment which charges the commission of separate and distinct offences.

2nd "The bill of Indictment is repugnant and inconsistent.

3rd "The bill of Indictment ^{which charges the defendant,} is ^{and} contrary to the form of the statute, when it should be contrary to the act of Assembly in that case made and provided.

4th "The bill of Indictment was not found by a Jury of good and lawful men; but was found by men of less estate; than that required by law.

5th "The record does not shew that the grand Jury returned into Court, and presented the bill of Indictment on which the said Price had been charged a "True bill"

6th "There is no value of the property charged to have been stolen, laid in the bill of Indictment - Hence no crime is charged.

For these and other reasons apparent on the face
of the record, and proceedings, the Defendants says
no Judgment can lawfully be rendered against him,
Wherefore he prays it may be arrested.

John Loring

John McHampbell

Geob. Peck

John Carraway

John Wilkinson

James Price

Attornies

Which reasons being solemnly argued, and ^{the} matters of
law arising thereupon. ^{It} considered by Court that the
reasons aforesaid be overruled, and the Defendants
James Price being asked if any thing he can say
why the sentence of the law should not be pronounced
against him, said he nothing.

It is therefore ~~considered~~ ^{ordered} by Court that the said James
Price the Defendant, be remanded to the place from
whence he came, and that on the fourth Saturday
of June next, being the twentieth day of said
month, he be taken to the place of execution in the
County of Blount, between the hours of twelve and
three o'clock in the evening of said day, and that
he be there and there hung by the neck until he
be dead, and that ^{the} Sheriff of Blount County carry
this sentence into execution.

From which Judgment the said James Price
prayed an appeal in the nature of a writ of error, to
the supreme Court of errors and appeals, to be
held at Knoxville, in the second Judicial circuit of
the State of Tennessee, on the fourth Monday of
May next, and having entered into bond with
security according to law the said appeal is granted.

Whereupon an Motion of the Solicitor General, and it appearing to the satisfaction of the Court that the Bail of Plaintiff Cauntly is insufficient for the safe keeping of the said James Price. It is ordered that the said James Price be committed to the Jail of King Cauntly for safe keeping, there to remain until demanded by the Sheriff of Plaintiff Cauntly for the purpose of executing the Judgment rendered against him in this cause, or until he be otherwise discharged by due course of Law.

And for the prosecution of the aforesaid appeal entered into the following bond

Know all men by these presents that we James Price John Lawry and Socrates Peck, all of the County of Plamit and State of Tennessee are held and firmly bound unto the State of Tennessee in the penal sum of five hundred dollars for the which payment well and truly to be made, we bind ourselves and each of us, and each of our heirs, executors, administrators and assigns, as Witnesses and hand, and seals this 12th day of February 1844

The condition of the above obligation is such that Whereas the above bound James Price, hath been this day convicted of felony, and hath prayed and obtained a Writ of error, to the next supreme Court of errors and appeals for the second circuit for the State of Tennessee to be held at Knoxville on the fourth Monday of May next. Now if the said James Price shall with effect prosecute said Writ of error, or pay and satisfy the costs and Charges which may be awarded

For failure, ^{thus} the above obligation shall be void.

James ^{his} + Price Seal
(mark)

John Larry Seal

Jacob. Peck Seal

Bill of Costs.

Robert Williams Attorney	\$11: 17
Charles Quinn. Do.	11: 17
A. Dubanks	10: 32
Clerks fees	6: 88
Attorneys fees	2: 50
Sheriffs fee	1: 00
	\$46: 24

State of Tennessee }
Blount County }

I Robert Houston Clerk of the Circuit
Court for Blount County do hereby
certify that the foregoing transcript
is a true and perfect copy of the
Records now in my office.

In testimony whereof I have hereunto set my name
and affixed my private seal (having no seal
of office) at office this 1st day of April
1811 and 38th Year of American Independence

Rob Houston Clerk

By his Deputy John Penn

Telus Transcript -- 1. 60
 Apportionment of Errors 40
 2 Writs of habeas Corpus 2. 00
 Judgment &c 2. 00
 Copy Judgment for
 the Sheriff of Blount } 1. 60
 with certificate &c }

 7. 60
 Also Passes 6. 25

 13. 85
 Also Callaway -- 2. 00

 15. 85

It is remembered that at a circuit began and held for
 O'clock

46
Manuscript
State 1814

James Price

Returning Office
April 6 1814
The Treasurer

State
of
James Bruce } court of appeals & circuit

And said James Bruce comes into court
and says that in the record and proceedings
as also in the rendition of the judgment aforesaid
in the record aforesaid mentioned there is more
than one Error in this Court 1st that the Verdict
of the Jury finds the person James Bruce
Guilty Generally on the whole of the indictment
which charges him in different counts with the
commission of crimes distinctly different and
on which different judgments would have
to be pronounced 2^d in this that the Bill of
Indictment is defective and incoherent
3^d that the record does not show that the
Grand Jury returned into court and presented
the Bill of Indictment on which the said Bruce
had been charged a true Bill 4th there is no value
of the property stated in the Bill of Indictment
for the stealing of which the defendant is
charged for these and many other Errors appear-
ing in and by the record aforesaid said James
Bruce prays that the judgment aforesaid
for the Errors aforesaid be reversed and others
being in the record and proceedings aforesaid
may be reversed annulled and held as utterly
void and that he may be restored to

James Bruce by
Wm. Campbell his
att^y

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State
of
Mississippi

Department
of
Agriculture

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The State of Tennessee
To the Sheriff or Jailor of Knox
County

You are hereby commanded
forthwith to bring into Court the
Body of James Price now in your
custody to do abide by ~~the~~ what
our Supreme Court of Errors and
appeals may consider in the case
depending in our said Court
between the State and the said
James Price herein fail not
Witness Thomas Emerson Clerk
of our said Court the 26th day
of May 1814

Thos. Emerson
Clerk of Court

Attorney
vs
James Brice

Grand Jury
26th May
1814

The State vs { indictment for stealing a negro
James Brice }

And the said State by James C. Mitchell her
attorney Solicitor General for the second circuit
comes and also prays that the record and
proceedings of the Circuit Court of Blount
County in this behalf ^{had} may be seen and
inspected by the Court here and for plea
says in the record and proceedings of said
circuit, ^{court} as well as in the rendition of final
Judgment in said cause there is ~~no~~ error
and prays that the Judgment of said Circuit
Court may in all things be affirmed

James C. Mitchell
Solicitor Genl S C

State { Plain
us { Muller's
Price { generation