

The State of Tennessee

Be it remembered that on the twentieth day of May in the Year of our Lord One thousand Eight Hundred and thirty One a promissory bond was filed in the office of the Clerk of the Circuit Court of Blount County in the words following to wit: "I, Peter Court

these presents that we Peter Court James Hayden & Samuel Monston all of Blount County and State of Tennessee our heirs executors and administrators do jointly and severally hold & firmly bind unto Thomas Turle in the payment of the sum of One hundred and fifty dollars to be paid on condition the

that Peter Court shall with effect prosecute a suit by him this day commenced against the said Thomas Turle in the Circuit Court of Blount County or in case of failure pay & satisfy all costs that may be awarded for failure herein under our hands & seal this 20th day of May 1831

Peter Court
James Hayden
Samuel Monston

Whom a capias ad Respondendum was issued in the words and figures following to wit: The State of Tennessee

4
To the Sheriff of Blount County Georgia
You are hereby Committed to take the body
of Thomas J. Smith if to be found in
your County and him safely keep
so that you have him before the Judge
of our Circuit Court to be held for the
County of Blount at the Court House
in Maryville on the first Monday
after the 4th Monday of July next
then and there to answer & obey the
presiding Justice of the Court of peace
and quarter sessions of Blount County
for the use of Peter Goulet a plaintiff
of Covenant Broken to his damage
three hundred dollars herein said that
I have you then and there this writ
Witness Daniel S. Houte Clerk of our said
Court at the Court House in Maryville
on the 1st Monday after the fourth Monday
of January 1831 Daniel S. Houte Clerk

On which said writ are the following
indorsements to wit, "w. 20th May 1831"
"Cost. Dam \$500." Executed on the 26th May
1831 Will Wallace Shff. - and the follow-
ing appearance Bond was filed Toward
State of Tennessee Blount County & now
advised by these presents that the
Court

Thomas Just & Nelson Wright all of
the County and State of Iowa Our Selves
&c are jointly held and firmly bound
unto William Wallace Sheriff of said
County or his assigns in the sum of
five hundred Dollars to be void on Con-
dition that the above bound Thomas Just & doth
~~not~~ make his personal appearance before
the Judge of our Circuit Court at the
Court House in Maryville on the first
Monday after the 4th Monday of July
next then and there to answer Robt.
Hendon pursuing Justice of the Court
of Iowa and Quarters of Blount
County for the use of Peter Bount of
a plea a plea of Covenant Broken to
his damage three hundred Dollars or
there and there abide by tathys and proof
from the return Judgment and Decree
of the Court thence to be given and
not depart the Court without leave
signed with our Names & sealed with
Our Seals this 26th day of May 1831
Thomas Just
Nelson Wright

On Which Bond are the following
assignment
~~and~~ and indorsed to wit - E. William
Wallace Sheriff of Blount County &c

4 hereby assign the within Obligation and
Condition to Robert Houston presiding
Justice of the Court of pleas and Quarter
Sessions of Blount County for the
use of Peter Goumt ~~like~~ ~~and~~ per
according to the act of a assembly in
such Cases made and provided Law
under my hand and seal this 26th day
of May 1831- Will Wallace
Sheriff of Blount Co.

And the said cause being regularly
doctored, came the plaintiff by his attorney
and before Justice, In this Cause, and a
role is entered of times to make up
ing so as not to delay - and the Cause
continued, and said Cause being
continued until at a circuit Court
opened and held for the County of
Blount at the Court House in Maryville
on the 1st Monday after the 4th Monday of
January in the Year of our Lord One
thousand eight hundred and thirty two
Came the plaintiff by his attorney and
filed his declaration in the words and
figures following to wit State of Tenn
vs Blount County Second Judicial
Circuit January Term 1832 Robert
Houston presiding Justice of the
Court of pleas and quarter sessions

of the County of Blount for the use of
Peter Yount by Attorney Complain
of Thomas Jurtl in custody of the
Sheriff &c of a plea of Covenant
broken to his damage &c For this that
the said Thomas Jurtl on the twenty
eighth day of March 1830 at Mary
ville, to wit, in the County of Blount
executed and delivered a certain
Covenant in Writing signed with his
Name and sealed with his Seal
this day and date whereof are the
same day and year aforesaid
and which is by the plaintiff to the
Court here shown, in which
Covenant, the said Thomas, did
Covenant promise and agree to
and with a certain James Jurtl
who was then presiding justice of
of the County Court of Blount and
whose name and seal is affixed
to said Covenant, that he would
teach and instruct or cause to be
taught and instructed a certain
Peter Yount the farming business
and give him one year schooling

and at the expiration of his app^r
rentiships to give him a horse saddle
-le and bridle worth one hundred
Dollars and two suits of clothes one
of which was to be a good fine suit,
Notwithst^d the said Thomas disre^g
arding his Covenant hath broken it
in this that he did not teach and
instruct, or cause to be taught and
instructed the said Peter Goumt
the perming business and give him
one year schooling and at the
expiration of his app^rentiships give
him a horse saddle and bridle wor-
-th one hundred dollars and two
suits of clothes one of which to
be a fine suit, though after wards
Requested at (to wit - at - in the
County of Blount aforesaid) where
fore the plaintiff saith he hath
sustained injury to his damage three
hundred Dollars therefore sees there
are pledges &c Attorn^t att^o
for plaintiff

And the Defendant by his attorn^es
plead his ~~discretion~~^{plea} in the words

and figures following terms left
by atto Graves Esq of the Court in
the Declaration mentioned and it is read
to him in the following words and
figures terms. This indenture made
the 28th day of March 1820 between
James Turk presiding Justice of the
Court of pleas and quarter sessions of
Blount County and his successors of the
One part and James Turk of the same
County of the other part witnesseth
that the said James Turk pursuant
to an order of said Court made the
28th day of March doth put, sell,
and vend unto the said Thomas
Turk one boy by the name of Peter
Gounte now of the age of nine
years with the said Thomas Turk
to live and conduct himself after
the manner of an apprentice until
he shall obtain the age of twenty
one years and the said Thomas Turk
on his part doth Covenant, promise,
and agree to and with the said
James Turk that he will teach &
instruct or cause to be taught and
instruct the said Peter Gounte the
forming business and give out

Years schooling and at the expiration
of his apprenticeship to give him a horse
saddle and bridle worth one hundred
Dollars & two suits of clothes one of
which is to be a good fine suit and
that he will constantly find and pro-
~~vide~~^{vide} for the said Peter Young during
the term of aforesaid sufficient diet
washing, lodging and wearing appe-
-arance putting him both in sickness and
in health In Witness Whereof the parties
have hereunto set their names & seals
the day and year first above written
Sealed and acknowledged James Turtled
in presence of Jacob Thomas Turtled
A Route Clerk

Which being read and heard said left
by attorney comes and defends the
wrong and ~~injury~~^{injury} wherefore when he
for plea says said ~~defendant~~^{plaintiff} his
action against him ought not to
have and maintain because he says
that he was ready and willing to
perform and fulfill the several
Covenants and stipulations in said
Covenant by him to be done and
performed, but said Peter Young
saw on a bright the day of
183 and before he had attained

the age of twenty One year run
off and departed from and out
of the province of said Dept and
would not serve said Dept until
he said Court had attained the age
of twenty One year as he was bound
to do in and by said Article of
Indenture of Apprenticeship and this
said Dept is ready to satisfy whomever
he prays Judgment that P^r Williams
attorney

And for further plea in this behalf
said Dept says said plaintiff his ac-
tions against him ought not to
have and maintain because he says
that Robert Houston is not the
presiding Justice of Blount County
Court and successor of James
Lusk who was a party to said
indenture and this ~~is~~ is ready to
verify wherefore &c

Thomas Williams att^r
and for further plea said Dept
says said plaintiff his action
aforesaid ought not to have and
maintain because he says that said
Court run off and departed from
and out of the province and imp^r
loyment of said Dept and did not

would perform and fulfill the several
Covenants and stipulations by him to
be done and performed and this
he is ready to verify wherefore he
prays Judgment The L. Williams
for Deft. -

^{the plaintiff}
And for replication to the first and
third pleas of the defendant by him pleaded,
saith he ought not to be precluded from
having and maintaining his action against
him because he says the said
Peter Gould did not depart from & out of
the service of the said defendant before
he attained the age of twenty one year
but served out his time with the defendant
as an apprentice until he attained the
age of twenty one year, according to
the stipulations mentioned in the indenture
in the defendant's plea referred to, and this he
prays may be enquired of by the country

And Defendant also
For the Attorney.

Subin Att.
for Plaintiff

And for Replication to the second plea
of the defendant, plaintiff saith he ought
not to be precluded from having and main-
taining his action against him because
he says that the said Robert Donston

mentioned in said plea is the presiding Justice of Blount County Court and a successor of James Fulk who was a party to the indenture referred to in defendants plea and this he is ready to verify & and prays that same may be required of by inspection of the records

Subscribed for
Plaintiff

And said Cause being continued from day to day and from term to term until at a Court as aforesaid opened and held for the County of Blount at the Court House in Marysville on the first Monday after the 4th Monday of January 1832 This said not being at issue On motion It is ordered by the Court that the Clerk Note the probate of the verdicts attendance accordingly

And the said Cause being continued until at a court as aforesaid opened and held as aforesaid on the first Monday after the 4th Monday of July 1832. and on Tuesday the eighth day of said Term and on the seventh day of August 1832. Came the parties by their Attornies and thereupon came a jury sworn Hugh Tartest John McLean James McHenry William Deever William Chasterson Leroy Noble William S. Casper
well

= well Thomas Rankin Josias Gamble
James W. Barret John Porter & John
Means who being elected tried and sworn
well and truly to try the issue joined upon
their Oaths do say they find the said issues
for the plaintiff and assess his damage by
Reason of the breach of the Covenant in the
Declaration mentioned to One Hundred
& Sixty Seven Dollars and Ninety four Cents
And it appearing to the Court from a Certified
Copy of the Record of the County Court of Blount
County that Robert Houston Esq. was presiding
justice of said County Court of Blount County
& successor of James Turk

It is therefore considered by the Court
that the plaintiff recover against the defendant
the said sum of One Hundred and Sixty Seven
Dollars and ninety four Cents the damage
also said by the jury aforesaid, in manner &
form aforesaid assessed together with all costs
in this behalf expended.

On Motion of the defendant by att^o.
Ordered by the Court that the attendance
of witnesses on behalf of plaintiff in this cause
before the same was ~~at issue~~ shall not
be taken against the defendant, and the
defendant by his att^y prays an appeal
in the nature of a writ of error to the next
Supreme Court to be held at the Court House
in ~~Blount~~ Knoxville on the second Monday in

July next 1833 entered into bond with approved security and to him since appeal is granted & the Bill of exceptions returned which was signed & sealed by the Court and ordered to be made a part of the record in this Cause -

Know all men by these presents that we Thomas Turk William Turk & John Wilson all of the County of Blount and State of Tennessee are held & firmly bound unto Peter Grant in the sum of five Hundred Dollars to the payment of which well and truly to be made and done we bind Ourselves Our heirs executors or administrators, jointly and severally, finally by these presents signed with our names & sealed with our seals and dated this

8th day of August 1832. - The condition of the above obligation is such that whereas the above bounden Thomas Turk hath this day prayed and obtained an appeal with the nature of a writ of error from the judgment of the Circuit Court of Blount County rendered against him the said Thomas Turk to the next Supreme Court to be held at Knoxville on the second Monday of July next 1833 which judgment is for One Hundred & thirty seven Dollars and ninety four Cents besides Costs - Now if the said Thomas Turk

shall well and truly prosecute his said
appeal in the nature of a writ of error
with effect or in case of failure therein
pay and satisfy & perform the judgment
or order of the said Supreme Court
thereon to be given than the above allegations
to be void - Given under our

hands & seals the day & date above

Thomas Turk ~~Case~~

Wm. Turk ~~Case~~

John Wilson ~~Case~~

Bill of exceptions

Robert Houston previously Justice of the
Court of pleas and quarter sessions of Blount
County for the use of Peter Court plaintiff

Thomas Turk Defendant -

It is remembered that at a Circuit
Court began and held for Blount County
at the Court House in Maryville, in the second
judicial Circuit of the State of Tennessee
before the Honble. Edward Scott judge, on
Tuesday the Eighth day of the Term this
Cause came on for trial, and being sub-
mitted to the jury, the Counsel for the plaintiff
called Sarah Elliot as a witness who
swore that she became acquainted with

The ^{Parents} ~~parents~~ of the plaintiff in October 1810
that the plaintiff was then a child crawling
about the floor. that children generally
crawl at six months old that Witness had
a son born on 3rd of April 1811 and that
plaintiff's mother suckled the child of
Witness, and on the day after the
birth of the son of the Witness, to wit
on the 4th April 1811. the mother of the
plaintiff told Witness that her son the present
plaintiff was then one year old that
day; that Witness did not know where
plaintiff's mother was. had not heard
of her death, that she had left the
country and went to West Jersey
a number of Years ago plaintiff's Counsel
introduced Larkin Gount a brother
of plaintiff who swor. that about six
Years ago he was told by John Stor-
wood that his (plaintiff's) mother was
living in Cairo, that since that time
Witness had heard of their mother's
~~was~~ death and in the family it was
generally believed that Jacob Gount a
brother of Witness & plaintiff had
informed Witness that in travelling in
West Jersey he had seen the grave
in which he was told their mother
was buried that Jacob Gount now
lives in West Jersey District of Jersey

That Witness was present on the 5th day
of April 1831 when plaintiff demanded
his freedom dues from defendant, that
defendant told him to go to his son
William & whatever he said defendant
would do that William took son of
defendant told plaintiff if he would
work out his time according to the
Indentures that he should have every
Cent that was due to him; plaintiff re-
-ar-d and went again to defendant
who was sick and in bed a gain
demanded his dues, and said he would
get them by Law, if defendant did
not pay them defendant then said
he must do so - that plaintiff left de-
-fendant service on this night of the 11th
April 1831.

John Stowood was then called by plaintiff
who swore that he saw plaintiffs Mother
in Cairn Temple five years ago last
winter, that she had since heard she
died not long after he saw her and
that he believed the report of the
death was generally credited in
the family & Community.

Jane Owens a witness for plaintiff swore
that the plaintiff parents had lived
on her Land and removed from
there in the last day of March 1810
a short distance in the neighbourhood

that early in April 1810 Witney visited
Plaintiff's Mother who then had plaintiff
an infant and that the plaintiff's Mother
told Witney that her son the plaintiff
was born on the 4th day of that month
3 and that Witney from the appearance
of the child and all the circumstances
did believe that the time of his birth
was truly stated by the Mother. That the
Plaintiff's Mother left this Country many years
ago that Witney has heard from the family
or Commissions and perhaps from others that
she was dead and Witney thought the
report of her death was generally
believed

John Rogers called by plaintiff swears
that he was present when plaintiff desired
and did his freedom due from Defendant

William Tuck called as a witness by the
Counsel for Defendant swears that plaintiff
left the service of Defendant on the ^{15th}
of 4th April 1831. without consent or
knowledge of Defendant. That the
Defendant always ~~was~~ ready and
able and expressed a willingness to
give plaintiff all he was entitled
to under the Indentures if he would
serve out the time mentioned in the
Indentures to wit, until 28 March 1832

this plaintiff refused to do defendant
had sent plaintiff to school three months
or more and intended sending him
the balance of the year if plaintiff
would remain.

The defendant by his Counsel objected
to the introduction of any evidence
showing the death or age of the plaintiff
different from that statement in the
deed thus declared on, and also to the
proof offered by the plaintiff to prove
the declaration of his mother as to
his birth or age, both of which objections
were overruled by the Court
the evidence admitted to go to the
jury

To which opinion Court the def-
endant by his Counsel except in Law
and returned this Bill of exceptions
which is signed and sealed by the Court
and ordered to be made part of this
record in this Cause.

Edward Scott

A Bill of Costs

State Tax Two Dollars twenty five cents 225
Clerk Fees Capias \$1 Bond & Security
one Dollar ten cents 100
7 Subpoenas 12 1/2 each 12 1/2 each 25
Judgment & taxing costs 25 \$ 212 1/2
and Court app 4 1/2

Amount Brought forward \$ 4.97
 Transcript One Dollar each two
 and a half Cents. Order
 for appeal One Dollar \$ 2.12
 11 probats six & a fourth Cents
 each Sixty Eight and three
 fourth of a cent Copy of Bill
 of exceptions Eighty five cents } 1.50
 Order expunging writup for } 25
 \$ 4.39 4.39

Sheriff Mallice Capias & Bond 1.25
 7 Subpoena Executed at 25 each 1.75
 " 25 " 3.00
 3 calls 4 Expung 1.25

Writup Ratel Duncan 7 days 3.75
 Lane Owens 8 + 11 4.00
 Sarah Elliot 8 do 4.00
 John Rogers 8 do 4.00
 Larkin Horns 5 do 3.50
 Moses Elliot 7 " 3.50
 Total amount \$ 33.11

Tax \$ 25
 Clerk F. capias 1.00 bond 8 2 exp
 60¢ of subp 87 2¢ jany 12 2¢
 1 subp 11.00 conts 25¢ transcript
 \$ 1.62 1/2 appeal \$ 1.00 11 probats
 6 8 2 1/4 bill of exceptions 8 1/4
 words 8 1/4 1 order 25 \$ 2.50

Jan 1832
 Clerk B. sug. death 25¢ writ
 ving 25 2 conts. 75¢ setting
 and cont. 25 judgment 75¢
 17 acy 75¢ jura 37¢
 conts 25¢ transcript
 \$ 1.62 in bill of exceptions
 84¢ \$ 6.00

David A. Fouts Clerk

149.94

