

The State of Tennessee

Be it remembered that on the tenth day of July in the Year of Our Lord One thousand Eight Hundred and thirty two a transcript of records was filed in the Office of the Clerk of the Circuit Court of Blount County, in the words & figures following to wit:

The State of Tennessee

Be it remembered that on the twenty eight day of November in the Year of Our Lord One thousand Eight hundred and thirty one a prosecution Void was filed in the Office of the Clerk of the Court of pleas and quarter sessions of Blount County to wit - Know all Men by these presents that we George C. Harris & John A. Sitten all of the County of Blount and State of Tennessee are jointly and severally held firmly bound unto Bayle Browner in the sum of two hundred and fifty Dollars, Yet to be void on Condition that the said George C. Harris shall with effect prosecute a suit by him this day commenced in the County Court of Blount County against the said Bayle Browner or in Cause of failure pay and satisfy all costs & damages that may be awarded against him for such failure - Witness our hands and seals

This 28th day of November A.D. 1831

George C. Harris (Pl.)

John A. Birkner (De.)

Wherefore a Capias ad Respondendum issued
in the words & figures following to wit - State
of Tennessee To the Sheriff of Blount County
Greetings (You are hereby Commaned to
take the body of Bazel Brauner if to
be found in your County, & him safely keep
so that you have him before the justices of
Our Court of pleas and quarter sessions to
be holden for the County of Blount at the
Court house in Maryville on the 4th Monday
of December next to answer George C.
Harris, of a plea of Covenant broken to
his damage three hundred Dollars. Merins
fail not & have you then and there this
Writ, Witness Jacob H. Houte Clerk of Our
Said Court at Office in Maryville
the 4th Monday of Sept^r A.D. 1831 -
Jacob H. Houte, Clerk

Upon which Capias ad Respondendum are
the following indorsements to wit, Capias
ad Respondendum George C. Harris, vs Bazel
Brauner, issued 28 November 1831. Executed
on the 3rd day of Decr. 1831. Wm. Wallace Sheriff

And at a Court of pleas and quarter
sessions aforesaid & held for the County
of Blount at the Court House in Mary-
ville on the fourth Monday of December
to wit the 26 day of December 1831, in the
Year of Our Lord One thousand eight
hundred and thirty One, the plaintiff filed
his declaration in the words and figures

following to wit, State of Tennessee Blount
County County Court of Blount County Decr.
Sept. 1831. George C. Harris by attorney Comp-
Lains of Bayel Brauner. in Custody of
the Sheriff &c of a plea of Covenant broken
-er to his damage &c For that the said
Bayel Brauner by the name & description
of B. Brauner. on the third day of Octor
1829 at to wit - at Maryville in the County
of aforesaid made executed and delivered
his Certain Covenant in writing unto the
said George C. Harris, signed with his name
& sealed with his seal the day and date
whereof on the same day & year aforesaid
and which is by the plaintiff to the Court
here produce in which Covenant the
aforesaid Bayel Brauner by the name
& description of Bayel Brauner. Covenant
-ed with & ^{promised} ~~promised~~ to pay unto the said
George C. Harris, on or before the thirde
day of October Eighteen hundred and
thirty One. then the next ensuing the
date of said Covenant - the sum of two
hundred and fifty Dollars in Current
Bank notes, for value received. And
-thely the said Bayel Brauner not
regarding this Covenant as aforesaid
hath broken the same in this that he

did not pay unto the said George C. Harris on
or before the third day of October in the
Year of our Lord One thousand Eight hundred
and Thirty One the sum amounting the date
of said Covenant the sum of two hundred
and fifty Dollars in Current bank notes ac-
cording to the tenor & effect of said Covenant
but to perform the same hath hitherto ent-
irely failed & refused, tho' after threats re-
quested at law in the County aforesaid
& still doth fail & refuse to the plaintiff
damages three hundred Dollars. ^{whereof} the sum
& there are pledges &c. L. A. Niven attorney
for plaintiff. Whereupon came the
defendant & files his plea in the words
following to wit the defendant by attorney
Compt. & defend the wrong & injury when
& where &c. & for plea saith that he well
and truly kept & performed his said Cov-
erant by paying the said plaintiff the sum
of two hundred & fifty Dollars in Current
bank notes on the first day of October
1831. & of this he puts himself upon the
Country J. A. Hair attor for Deft & Plaintiff also
Niven attorney for plaintiff

And at a Court aforesaid & held as afo-
said for the County aforesaid on the
fourth Monday, in March in the Year of
our Lord One thousand Eight hundred and
Thirty Two and on Wednesday the third
day of the Term came the defendant
and made affidavit in the words & figures

following to wit George W. Harris & Bayle
Brauner in this case the dependant Matketh
oath that the testimony of Able R. Chaney of
Mcuroo County will be material for him in
the trial of said cause without the benefit
of whose testimony he cannot come before
the trial that he was not apprised of the
materiality of said witness till within a few
days as he would have issued a subpoena
for said witness. This application is not
for delay but that right & justice may be
done & this is the first application for a con-
tinuance Bayle Brauner.

Moved in open Court this 28. March 1839

Jacob H. Houte Clerk }
By his Dep. David H. Houte } "Wherefore the Cause
is continued until next term

And at a Court opened & held as aforesaid
for the County aforesaid on the fourth
Monday in June in the Year of our
Lord one thousand Eight hundred and thirty
two, and on Friday the fifth day of the
term, came the Cause to be heard of
which the Record is in words and figures
following to wit. This day came the parties
by their attorney & thereupon came
a jury James Boyd, William Davis, George
Duncan, Thomas Jones, John Davis, John
Barnes, John Taylor, James Henry, Barnes
Mallaway, Thomas Hart, Michael Reed
& Robert Tidford who being sworn

tried and known well and truly to try
the issue joined upon their Oath do
say. The defendant has not kept and
performed his Covenant in declaration
mentioned & assign the plaintiff damages
by reason of the breach thereof to two
hundred & sixty one dollars & five cents
and the defendant by attorney moved
the Court for a new trial which motion
upon argument of Counsel & mature
consideration had by the Court was
overruled and the defendant by attorney
filed Reasons in arrest of judgment in
the words and figures following To wit,
George C. Harris vs. Payel Brauner. State
of Tennessee Blount County, County Court
June Session 1832. In this case the deft.
moves the Court, in arrest of judgment
& assigns the following Reasons why the
judgment should be arrested to wit, The
issue that was tried was immaterial
& could not try the merits of the case
2^d. The whole proceedings in said
Cause is informal, insufficient and
lack certainty. James Hair attorney
for defendant I acknowledge the service
of the ~~Reasons~~ ^{Reasons} in ~~arrest~~ ^{arrest} of judgment
in this case John A. Atkins "

And after argument of Counsel and
mature consideration had thereon

It seems to the Court that the said
Reasons of the Motions & Things therein
Contained are not good & sufficient
in Law to stay the entrance of judg-
ment. It is therefore Considered by the
Court that the plaintiff recover against
the defendant the sum of two hundred
and sixty one Dollars & five Cents
the damage aforesaid by the Jury aforesaid
in manner and form aforesaid
assess together with all costs in this
behalf expended. From which
judgment the defendant by his att-
orneys prays an appeal in the nature
of a writ of error to the next term
of the Circuit Court at the Court
house in Maryville on the first Mon-
day after the fourth Monday of
July next and filed his affidavit as
a pauper in the words and figures fol-
lowing to wit, State of Tennessee
Blount County - George C. Harris vs. Bayl
Brammer. I Bayl Brammer do solemnly
swear that owing to my poverty I am un-
able to give security for an appeal in
the

the nature of a writ of error to the
next Circuit Court which I have prayed
I believe that I am justly indebted to a
recovery in said cause. Given to &
Subscribed in open Court } Bayle Brauner
this 29th June 1832. }
Jas. H. Houte, Clerk By his Deput. W. H. Houte
On which were indorsements in the word
following to wit Bayle Brauner's affidavit
filed June 29th 1832.

And to him said appeal is granted
a Bill of exceptions was signed & sealed
by the Court & ordered to be made a part
of the record in this cause which Bill
of exceptions was in words and figures
following to wit. State of Tennessee
Blount County. George C. Harris vs Bayle
Brauner. Be it remembered that at a
trial of this cause the defendant pro-
duced in Court Able R. Chancy a Witness
& offered to prove by him that the
defendant had made a verbal contract
different from the contract declared
on with the plaintiff & subsequent to the
time the Covenant declared on was
made which defendant alleged now
I do show that the whole damage in
the plaintiff's declaration was paid

Which ordinance the Court refused to hear
 and would not allow defendant to exam-
 -ine said witness touching said parcel
 Contract to which opinion of the Court
 the defendant excepts in law & tenders
 thus his bill of exceptions which he
 prays may be signed & sealed and made
 a part of the record which is done
 accordingly

Samuel Saffill (C)
 James Trundle (C)
 William M. Tice (C)

Justices of the County Court

upon which was the following in docu-
 -ments to wit Bill of exceptions. George
 W. Harris vs. Bayzel Brauner filed 27th
 June 1892

Bill of Costs &c
 Harris }
 vs } State Tax One Dollar sixty two and
 Brauner } a half Cents. ————— \$ 1.62 1/2
 Court Tax One Dollar } 1.00

Check issuing papers & taking Bond }
 One dollar and fifty cents } 1.50

Issuing one subpoena twelve & a half cents } 12 1/2

filing two affidavits twelve & a }
 half cents } 12 1/2

impaneling jury twelve & a half cents } 12 1/2

Judgment taxing Costs One Dollar } 1.00

Transcript of Record One Dollar }
 sixty two and a half cents } 1.62 1/2

Filing various in arrest of jud- }
 gment fifty cents } 50

and cost paid ————— \$ 5.74
 \$ 3.62 1/2

Amount of Costs Brought forward \$ 8.36¹/₂

Attorney Aiken two Dollars & fifty Cents } 2.50

Sheriff Wallace executing capias & taking bond one Dollar & twenty five Cents } 1.25

four calls four Cents each } 1.60

sixteen Cents } 1.53¹/₂

Summing a long two & half Cents } 1.53¹/₂

Sheriff Blair executing subpoena ten & five Cents } 1.25

Abel R. Chaney witness four days two Dollars sixty two ~~and~~ Cents miles &c total six Dollars forty eight Cents } 6.48

Judgment 29 June 1832. \$ 19.13
\$ 28.18

In the above Cause the Court were in not allowing the evidence of Abel R. Chaney to be heard and in not setting the Judgment on account of the immateriality of the issue. The Court also used in all matters ^{things} that the ~~same~~ in said Cause and this be prayer may be required of by the Court and the plaintiff James Blair Attor L. A. Aiken for Defendant

State of Tennessee } I Lucius H. Houte
Blount County } Clerk of the Court
of pleas and quarter Sessions of Blount
County do hereby Certify that the
foregoing is a correct Transcript
of the Record of this Cause of

affirmed and that the plaintiff recover
of the defendant the sum of two hundred and
sixty one Dollars and five Cents, the amt. of
the judgment of the Court below, together
with the further sum of three Dollars sixty
two and half cents, the interest thereon at 12 1/2
per Cent. per annum from the 29th day of June
1832 the date of said judgment in the
Court below together with all costs, in this
behalf expended - And on motion
and it appearing to this Court that the de-
fendant prosecuted his appeal under the
pauper Law - It is therefore ~~ordered~~^{ordered} by
by the Court that James Blair Esq. be
assigned him as Counsel in this Cause

Whereupon came the defendant and
filed his affidavit under the pauper law
and prays an appeal in the nature of
a writ of Error to the next Supreme
Court to be held at the Court House in
Knoxville on the second Monday of
July next 1833. and to him said appeal
is granted -

George B. Harris } I B. Brainerd do sol^o
Pazel Brainerd } solemnly swear that
owing to my poverty I am unable to give
security for an appeal in the nature of a
writ of error to the next Supreme Court
of errors and appeals to be held in Knox-
ville on the second Monday of July

1833. which I have prayed and is to me granted, and that I believe I am justly entitled to a recovery in said cause - sworn to in Open Court this 16th day of August 1832.

P. Browner

Sworn to & subscribed in Open Court 16th Aug.

1832. D. D. Foote Clk

Bill.

+ State tax two Dollars	2.00
Clk Foote filing Records seventy five Cents	
One affidavit six and fourth Cents	
Order for appeal One Dollar	
Judgment & taxing Costs One Dollar	
Transcript One Dollar twenty two	4:43 ³ / ₄
Shay cents	
+ Shff Wallace One call	04
	6:47 ³ / ₄

Just 16th Aug. 1832.

204. 67¹/₂

\$271.15⁵/₈

\$290.28⁷/₈

The State of Tennessee -
County Court Clerk

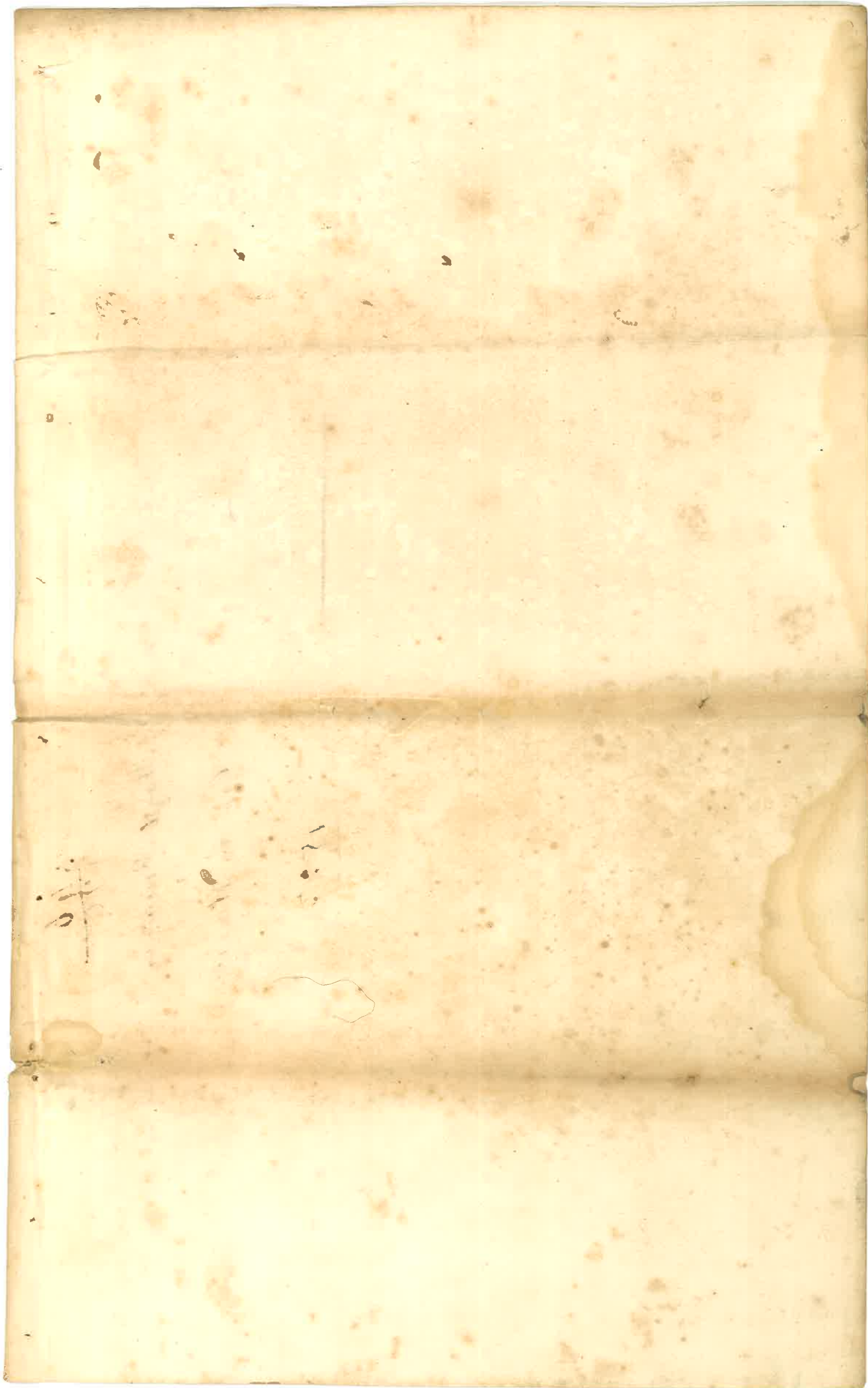
I Daniel D. Foote Clerk of the Circuit Court of Blount County do hereby certify that the foregoing is a correct transcript of the record of the Cause George C. Harris against Pazel Browner in the said Circuit Court, taken from the Original

Now in my office -

Given under my hand
and private, having no official
seal of office at office in
Maryville the 25th day of June
1833.

Dan D. Howard





Boyd Brown
Wm
Geo. & Hann
Boyd Brown

546
420

Boyd Brown
Wm

Geo. & Hann

1833

Jan

107

243