

The State of Tennessee

Be it remembered that on this thirtieth day
of May in the year of Our Lord one thousand
Eight hundred and thirty six, being the first
Monday after the fourth Monday of May 1836, and
the time appointed and designated by the act of
Assembly in that case made and provided for the
holding of the Circuit Courts of Blount County
within the second Judicial District of said State

The Hon. Edward Scott produced a Commission
in the words and figures following to wit

"State of Tennessee"

"Newton Cannon Governor in and over the same"

Whereas Edward Scott was on the 26th day of
January 1836, by joint vote of both Houses of the
General Assembly duly and lawfully elected
a Judge of the Circuit Court of the State for
the second Judicial District, and therefore we do
hereby commission him as such for the ensuing
term of Eight years with all the powers, privileges
and Emoluments thereto appertaining

In testimony whereof I Newton Cannon
Governor as aforesaid have hereunto set
my hand and caused the Great Seal of
the State to be affixed at Nashville the
fifth day of February 1836.

By the Governor

N. Cannon

Luke Lea Secretary of State

upon which commission
the following affidavit is

endorsed to wit

State of Tennessee }
Knox County }
On this first
} day of March

1836 Personally appeared Edward Scott before
the undersigned and rich and subscribed the follow-
-ing oath to wit: Edward Scott do Swear that
I will support the Constitution of the United States
and of the State of Tennessee and that I will
administer Justice without respect to persons doing
equal right to the poor and to the rich and that I
will faithfully and impartially discharge and perfor-
-m all the duties incumbent on me as a Circuit
Judge according to the best of my skill and ability
And I do solemnly swear on the holy Evangelist of
Almighty God that I have not given nor accepted
a challenge either written or verbal to fight a duel
Nor have I fought one since the passage of an Act
passed in the Year Eighteen Hundred and seventeen
"entitled an Act more effectually to prohibit duelling
nor have I been the second or bearer of a challenge
for such purpose and that I will not fight a duel
or be the bearer of a challenge either written or
verbal for such purpose nor act as the second of
either of the parties concerned in a duel
during my continuance in office so help me God
Sworn to & Subscribed by the
above and within named Edward Scott.

Edward Scott this 11th day of March 1836.

Before me James Park Chairman of the
County Court of Knox County and one of the Justices
peace for the County of Knox and State aforesaid
Whereupon proclamation was made by the Sheriff
that this Court was duly opened for the Transaction
of business And the following papers were
returned into Court in the words & figure

following to wit
State of Tennessee }
Blount County } County to be held and returned

Whereas complaint hath this day
been made on oath by Matthew H. Bogle of the
said County planter to me William M. Tarr one
of the Justices of the peace in and for Blount
County, that the following articles of and belong-
-ing to the said Matthew H. Bogle to wit some
pieces of upper leather of the value of five dol-
-lars and fifty cents have within two or three
days last past by some person or persons
unknown to him been feloniously stolen taken
and carried away from and out of the possession
or of the farm of him the said Matthew H. Bogle
in the County aforesaid and that he the said
Matthew H. Bogle hath probable cause to suspect
and doth suspect that the said goods or part
thereof are concealed in the dwelling house or
on the premises of Stokely D. Swaggerty in
the said County. Whereupon these are therefore
in the name of the State to authorize and
require you with proper and necessary assistance
to enter in the day time into the dwelling house
or on the farm or premises of the said Stokely
D. Swaggerty in the County aforesaid and there
for the said goods diligently search and if the
same or any part thereof shall be found upon
search that you bring the goods so found and
also the body of the said Stokely D. Swaggerty
before me or some other Justice of the peace
for said County to be disposed of and dealt
with according to law Given under my hand
and seal this 26th day of May 1836.

William M. Tarr
Justice of the peace B. C.

On which Warrant is the following endorsement
"Search Warrant M. H. Boyle vs Stokely D
Swaggerty. Executed for trial before Esq
McTier and Donaldson this 26th May 1836.
John Boyle C. B. C.

Deposition

"State of Tennessee Blount County
The State vs Stokely D Swaggerty
Matthew H. Boyle a witness and prosecutor for
the State deposes and says that some short
time previous to obtaining the Search Warrant
he Boyle lost two pieces of upper leather from
his tanyard that he had the leather marked
that he believed it was in possession of
Stokely D Swaggerty that on the officers search-
ing found the leather in the house of
said Swaggerty that he knows it to be the
same he last sworn to before me W^m McTier
Justice of the peace"

Examination

"State of Tennessee Blount County
The examination of
Stokely D Swaggerty of said
County labourer taken before
us Lorenzo Donaldson and William McTier two of
the Justices of the peace in and for said
County on the twenty sixth day of May 1836.
The said S. D Swaggerty being charged
before us Lorenzo Donaldson and W^m
McTier two of the Justices of the peace in
and for the County aforesaid by Matthew
H. Boyle of said County labourer with
having some pieces of ^{upper} leather of the value
of five Dollars and fifty cents concealed

in his dwelling house or on his premises
and on search being made by Constable
Boyle and said pieces of leather being
found in the loft of said Swaggerty and
duly proved by ^{said} Matthew H. Boyle therefore
we find him guilty as charged in the
warrant taken the day of the year above
written

Lorenzo Donaldson *Clk*

William McTier *Clk*

on which Examination was the following
endorsement "The Examination of Stokely
D Swaggerty found guilty and failing
to give security is committed to jail"

And the following Terms to wit

Be it remembered that on the thirteenth
day of May Eighteen hundred and thirty
six personally appeared before me
William McTier one of the Justices of
the peace for Blount County State
of Tennessee Matthew H. Boyle
labourer and acknowledged himself
Indebted to the state of Tennessee in
the penal sum of two hundred and
fifty dollars to be levied of his goods

and Charles lands and tenements if
he make default in the under written
recognizance —

The condition of the above recognizance
is such that if the above bound
Matthew H. Bogo shall make his person-
al appearance at the next Circuit Court
to be holden for the County of Blount at
the Court House in Maryville on the
first Monday after the fourth Monday
in May 1836. Then and there to prosecute
and give evidence in behalf of the State
against Stokely S. Swaggerty of said County
Shoemaker who is charged on the oath
of the Grand Jury with concealing stolen goods
then the above recognizance to be
void else to remain in full force
and effect

Acknowledged before
me William McTeer
Justice of the Peace

On which Bond was the following
endorsement to wit " Bond to prosecutor
Give evidence, The State vs S. S. Swaggerty.
Filed 30th May 1836 —

William Wallace Sheriff of Blount County
returned to Court a list or venire of good and
lawful men Citizens of Blount County designated
and appointed by the Justices of the County Court
of Pleas & Quarter Sessions of said County at their
next succeeding Sessions of their said Court after
the last term of this Court to serve as Jurors at this
Term and that he had executed and made known
the same to the following good and lawful men
Citizens of Blount County to wit James Trundle
Frederick Emmitt John McLain W^m Anderson James
McHamy Jr James McKaney Jr William McFar Spencer
Henry John Blair Robert Delzell Henry Hamill W^m
Colburn William Wallace John Cox John Keys James
Upton Samuel Henry W^m Toole John Maxwell
Leeroy Noble Robert Houston Joseph Wilson
and Arnet Shields out of whom the following
appeared in open Court and were chosen a Grand
inquest for Blount County to wit William McFar
who by the Court was then appointed foreman
thereof Spencer Henry John Blair Robert Delzell
Henry Hamill William Colburn William Wallace
John Cox John Keys James Upton Samuel Henry
William Toole and John Maxwell who being
elected tried empannelled sworn and charged
retired to consider of their presentments

Court adjourned until tomorrow morning 8 o'clock

Edw Scott

S. Powell

And on the 22^d day of said term
-rment Present the Honorable Samuel Powell Judge

of the first Judicial Circuit of the State of
Tennessee on the day of Circuits with the Hon.
Edwards West Judge of the second Judicial
Circuit of the State of Tennessee.

The records and proceedings of yesterday being
generally read and signed the Court then proceeded
to business and on this day the Grand Jurors
as aforesaid returned into Court a Bill of Indictment
-ent in the words and figures following to wit.

State of Tennessee } May Term of the Circuit Court 1836
Blount County }

The Grand Jurors for the State aforesaid
-aid being duly summoned elected sworn and charged
to inquire for the body of the County of Blount aforesaid
upon their oath aforesaid present, That a certain
Stokely D Swaggerty late of said County laborer
on the twenty sixth day of May in the year of Our
Lord Eighteen Hundred and thirty six at to wit
in the County of Blount aforesaid two sides of
upper Leather of the value of five Dollars of the
goods and chattels of one Matthew H Boge then
-ent in the County of Blount aforesaid with force and arms felon-
-ously did invade and carry away, contrary to
the form of the Statute in such case made and
provided, and against the peace and dignity of the
State, And the Jurors aforesaid upon their oath
aforesaid further present, that a certain Stokely D
Swaggerty late of said County labourer on the twenty
sixth day of May in the year of Our Lord Eighteen
Hundred and thirty six at to wit in the County
of Blount aforesaid two sides of upper Leather
of the value of five dollars of the goods and chatt
-els of one Matthew H. Boge then lately before

feloniously stolen taken and carried away,
feloniously and fraudulently with intent there
to receive and have, be the said Statute, than and
there well knowing the said goods and Chattels
to have been feloniously stolen, taken and carried
away, with intent to deprive the true owner thereof
Contrary to the form of the Statute in such
case made and provided - to the evil example
of all others in like case offending, And against
the peace and dignity of the State -

Ruben B. Rogers att:
Genl for the 2nd Judicial
District

On which Indictment are the following endorse-
ments to wit: "Indictment The State vs Stokely D
Swaggerty - Larceny - Matthew H. Bogle prosecutor,
Matthew H. Bogle James H. Black and John
Bogle witnesses, Sworn in open Court and sent
to the Grand Jury this 31st day of May 1861.
The Henry 6th

Also the following endorsement to wit,

"A True Bill" William W. Miller foreman of the
Grand Jury, - And thereupon the following
Record was made which is in the words and
figures following to wit:

The State vs Larceny
Stokely D Swaggerty This day the Grand Jury appeared
in open Court and by their
foreman returned into Court a bill of Indict-
ment against the defendant endorsed thereon
"A True Bill" And the cause was continued
from day to day until Wednesday the third day
of said term, and on "This day came the

The Attorney General who prosecutes on behalf
of the State and the defendant being brought
to the bar by order of the Court and being charged
on the bill of Indictment plead therunto not
guilty, and puts himself upon the Country for
trial, and the Attorney General doth the like
whereupon the Court ordered a venire of forty good
and lawful men to be summoned by the Sheriff
which is done and returned into Court, out of
whom the following be wit. James Dunlap Wm Love
James H. Roan David May Arnet Shields Merry Webb
Adam Graves William Seaford Moses Gamble
James M. Carny Jesse James and Joseph Wilson
who being elected impannelled tried and sworn
well and truly to try and true deliverance make
between the good people of the State of Tennessee
and the defendant at the bar, from rendering their
Verdict on respited until tomorrow Morning and
by order of the Court placed under the care of the
Sheriff and the defendant remanded to prison
about the case was continued from day to day
until Thursday the fourth day of said term and
on that day came the Attorney General who
prosecutes for the State and the defendant being
brought to the Bar and thereupon came the jury
to wit James Dunlap William Love James H. Roan
David May Arnet Shields Merry Webb Adam
Graves William Seaford Moses Gamble James
M. Carny Jesse James and Joseph Wilson who
on yesterday were elected tried and sworn well
and truly to try the issue of Traverse and
true deliverance make between the good people
of this State and the defendant at the bar
and upon Motion of the defendant by his

Attorney. It is ordered by the Court that the
Att. General elect which count of the bill
of indictment he will proceed upon against
the defendant and the Att. Genl. elected to
proceed on the second count and the jurors
aforesaid upon their Oaths aforesaid do say
the defendant is guilty in manner and form
as charged in the second count of the bill of
Indictment and assess and fix the term of
his confinement in the jail or penitentiary
house of this State to One Year for such
his offence, and the jurors recommend said
defendant to the Mercy of the Court—

And the defendant by attorney filed reasons in
arrest of Judgment which is in the words and
figures following to wit

" State } Defendant by attorney coming
Stokely & Swaggerty } and move the Court to arrest
the judgment in this case
upon the finding of the jury
on the second count of the indictment and for
reason shows the following causes

1st Said second Count does not allege that
the offence charged was committed with force
and arms, or the degree of force employed by
defendant 2nd Said second Count does not
show by whom the property alleged to have
been received by defendant as stolen property
was taken stolen and carried away, nor does it
allege from whom taken &c, or from whose
possession taken nor does it allege that the
property was stolen by some person unknown
3rd Said second Count does not pursue the words
of the statute— nor is the offence described as
defined by the statute. For the above and other

reasons appeared on the face of the indictment
Defendant prays judgment of the Court, that
Judgment on said verdict may be arrested

John F. Gillispy att:
for Defendant

It is acknowledged service of the above reasons &c.
June 2nd 1836. R. B. Rogers att: Genl.

And the cause was continued from day to day
until Saturday the sixth day of said term and
on "This day came the Attorney General who
prosecutes for the state and the defendant
being brought to the bar and reasons in arrest
of judgment being filed and upon argument it
is ordered by the Court that the said reasons be
overruled. And the defendant saying nothing
further why the sentence of the law should not
be pronounced against him -

It is therefore considered by the Court that the
said defendant for such his offence be sentenced
to one year imprisonment & confinement in the
Gaol and Penitentiary house in this State
during the term fixed by the jury and that he
be rendered infamous and that the State of
Tennessee recover against him all costs in this
behalf expended - and the defendant 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 first Monday of June Inst.
and to him said appeal is granted and the defend-
-ant remanded to prison -

Bill of costs

State tax one dollar \$1.00

Clerk Ahe Henry for Indictment charging

prisoner and entering his plea fifty cents \$.50

Amount carried forward \$ 1.50

Amount Brought forward	\$11.50 1/2
For Issuing Subpoena for one witness	12 1/2
For Empanelling one Jury twelve and a half cents	12 1/2
Respiteing Jury to only five cents	25
For entering motion twenty five cents	25
Motion for arrest of Judgment twenty five cents	25
Order Quoruling reasons in arrest of Judgment twenty five cents	25
Entering Judgment seventy five cents	75
Order for appeal twenty five cents	25
For three probates of witnesses six and one fourth cents each	18 3/4
For making copy of books twenty five cents	25
For making this Transcript One Dollar Sixty two and a half cents	\$1.62 1/2
For filing one recognizance twenty five cents	25
For reasons in arrest of Judgment for copy	18
Sheet 100 words Eighteen cents	18
Attorney General Rogers tax fee ten Dollars	10 00
Sheriff Wallace Commitment fifty cents	50
For Executing one Subpoena twenty five cents	25
Summoning one Jury twelve and a half cents	12 1/2
One call four cents	4
States witnesses Matthew Bogle four days at fifty cents per day	\$2.00
John Bogle four days at fifty cents per day	2 00
Stephen McKeynolds three days at fifty cents per day	1 50
James H Black three days at fifty cents per day	1 50
John Owens account for days	1 00
James Glass Sailors account for days	1 00
defendant in jail from 26 th May to the 27 th June 1836. Inclusive thirteen days at thirty seven and a half cents per day	\$4.87 1/2
Two Turnkeys fifty cents each	1 00
Constable John Bogle Executing Warrant fifty cents	50
Justice Wm McTier for Mitimus and Recognizance	50
	\$40.03 1/4

The State of Tennessee ss.

I Ake Henry Clerk of the Circuit Court in and for Blount County do hereby certify that the foregoing contains a full, true, and perfect record

of all the proceedings had in said Court
in the case of the State of Tennessee against
Stokely B. Swaggerty for Larceny taken from the
records of my office. Given



Given under my hand and private
having no official seal of office
at Office in Maryville in the
County and State aforesaid
this 9th day of June A.D. 1836.
A. H. H. H. H.



1836

Bill of fees

Leam Lane

10 00

Clerk Brown King heard 75¢
 Judgt 75¢
 Taxing Costs 25¢ 1 Copy shul Exemption at 18¢
 18¢ 2 un of certiorari ~~50¢~~ 50¢ 2 Adm for exam 50¢
 Transcript of record \$1 62¢ Hi fee 3¢ — \$4.93

1836
Transcript

The state
Shelby & Swiggart

Made out and sent
 up to the Supreme
 Court in Knoxville
 this 9th day of June
 1836
 J. H. Murray
 of the Court
 Clerk of the
 County

Willard
 Attorney

2 certiorari