

State of Tennessee 1

Prearrable

Pleas at the Court House in the
Town of Clarksville County of Montgomery
and State aforesaid On the first Monday
in June being the 5th day of June in the
Year of our Lord One thousand eight hundred
and forty eight and 72nd year of the
Independence of the United States

Present the Honorable William
H Turner Judge of the Criminal
Court was M Skilton Esq Sheriff of
Montgomery County returned into Court
the State writ of Venue facias to him
directed in the words and figures
following to wit

Venue Facias

State of Tennessee

To the Sheriff of Montgomery County Greeting
You are hereby commanded to Summon
John Hampton George S Wimberly Whitwell
Fort Williams S Murriweather Geo S Johnson
William Dudley Jas Huntley Henry Price
Marmaduke O Dennis Hamilton Carmel
C. N. Carsony John P. Elliot Hezekiah W
Woodward Joshua Brown Joel P Thurston
Thos G Hutchinson Joseph Pollard Wm H.
Allen Conrad Frederick Derry Fletcher
Lewis Moore Jas H Majors Wm H. Henderson
Wm J. Bearden Pleasant Wagner John C Macky
Thos Bell W. C. Watson. S. D. Rammy Matthew
McCauley Sterling M. Niblett Thos Rammy
David L Williams Jas Huntley Jas Lane
Zebediah Britt and Jas Nelson all good lawful
Men of Montgomery County personally to

I
appear before the Criminal Court to be
holden for the County of Montgomery at
the Court House in the Town of Clarksville
on the first Monday in June next then and
there to serve as Grand and Petit Jurors
Herein fail not and have then and there this
Writ Witness William H. Turner Judge of
said Court this 18th day of March 1848
William H. Turner

Came to hand the 10th of April 1848
Executed by summoning all the persons
named in the within Venue

Wm. H. Shelton Shff
And thereupon from the Jurors summoned
as aforesaid the Court proceeds as the
Statute in such Cases made and provided
directs to select and empanel a
Grand Jury for said County of Montgomery
at this term when are elected William Dudley
Benj Bearden Sterling M. Neblett Jas Lane
Thos Bell John Hampton Joel P. Thurston
David L. Williams Matthew McCauley Landon
Ans, Jos. Hantelroy John B. Elliot Marmaduke O.
Dennis all good and lawful men of sd County
Of whom the Court appoints Wm Dudley
Foreman who together with the rest of the
sd Grand Jurors having been empanelled
Sworn and Charged according to law
to enquire for the body of the County of
Montgomery return to Consider, Presentments

Henry Garbrough a Constable of Montgomery was sworn to attend the Grand Jury at this term, and thereupon the Grand Jurors aforesaid Returned into Court in a body with a Bill of Indictment against Thomas S. Wynne in the words and figures following to wit

Indictment

State of Tennessee

Montgomery County Criminal Court June Term 1848 The Grand Jurors of the State of Tennessee elected empaneled sworn and charged to enquire in and for the body of the County of Montgomery upon their oaths present and say that Thomas S. Wynne late of the County of Montgomery Laborer on the Eighteenth day of April One thousand eight ^{hundred} and forty eight with force and arms at the County of Montgomery aforesaid in and upon one Nathan Marvin in the peace of God and over said State then and there being Feloniously Unlawfully Wilfully and of his Malice and aforesought an assault did make; and the said Thomas S. Wynne with a Certain Pistol of the value of five dollars which he the said Thomas S. Wynne then and there had and held in his right hand the said Pistol then and there being loaded with Gunpowder and one leaden Bullet to at and against the said Nathan Marvin then and there unlawfully Feloniously Wilfully Maliciously and Premeditatedly did shoot and discharge with the intent him the

said Nathan Marvin feloniously, unlawfully, wilfully, deliberately, maliciously, and premeditatedly, to kill and murder, Contrary to the Statutes in such cases made and provided, to the evil example of all others in like case offending and against the peace and dignity of the State

W. B. Johnson attorney

Genl South Solicitorial District

and the Jurors aforesaid, upon their oaths aforesaid do further present and say that Thomas. S. Wynn, late of said County of Montgomery laborer not having the fear of God before his eyes but being moved and seduced by the instigation of the devil on the eighteenth day of April one thousand eight hundred and forty eight with force and arms at the County aforesaid an assault did make and that the said Thomas. S. Wynn with a ^{certain} Knife of the value of one dollar, which he the said Wynn then and there, ^{had and} held in his right hand feloniously, wilfully, deliberately, and premeditatedly did cut thrust and stab giving to the said Nathan Marvin divers wounds cuts and bruises in and upon the head, neck, and sides, with the intent him the said Nathan Marvin feloniously, wilfully, deliberately, maliciously and premeditatedly to kill and murder Contrary to the Statutes 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

W. B. Johnson Atty Genl

South Solicitorial District

(Endorsed)

Prosecutor Nathan Marvin
 Witness Nathan Marvin, B. M. Williamson sworn
 in open Court to give evidence to the Grand
 Jury on this Bill of Indictment
 6th June 1848 Chas. Bailey Atty

June 6th 1848. A true Bill

William Dudley Foreman of the Grand Jury

Sum the 6th This day came the
 attorney Genl in behalf of the State and
 the defendant in custody of the Sheriff was
 brought to the bar of the Court and was
 thereupon arraigned and upon his arraignment
 pleads not guilty to the Bill of Indictment
 against him and for his trial puts himself
 upon the County and the Atty Genl doth the
 like, and the defendant pleads his affidavit
 for a continuance of this Cause. Whereupon
 it is considered by the Court that this
 Cause be continued & that the defendant
 be remanded to prison

Court then adjourned untill tomorrow morning
 nine o'clock W H Turner

Sum the 7th This day came the Atty Genl
 in behalf of the State and the defendant
 in custody of the Sheriff was brought to
 the Bar of the Court and thereupon came
 the Defendant together with Emily Wynn
 as his security & acknowledged themselves
 bound & indebted to the State of Tennessee
 jointly & severally in the sum of Twenty
 thousand dollars to be levied of their

goods & chattels lands and tenements for the use of the State of Tennessee, but to be void if the said Defendant Thomas, A. Wynne doth make his personal appearance at the Court House in the Town of Clarksville before the Criminal Court on the first Monday in October next then and there to answer the State of Tennessee on the above Charge of Felony and not depart without leave of the Court first had and obtained.

This day came Nathan Martin and James N. Manafos B. M. Williamson C. Mud & Montgomery Allen Witnesses in behalf of the State and each of them acknowledged themselves to be bound & indebted to the State of Tennessee in the sum of two hundred & fifty dollars to be levied of their goods, chattels, lands, and tenements Respectively But to be void if they appear before our next Criminal Court to be held at the Court House in Clarksville on the first Monday in October next then and there to testify in behalf of the State in the above Cases and not depart without leave of the Court.

5th October 1848 This day came the Atty Genl in behalf of the State & the defendant in custody of his bail was brought to the Bar of the Court & arraigned upon his arraignment plead Not Guilty to the Bill of indictment against him

and for this trial putteth himself upon the
County and the Atty Genl doth the like
and thereupon the defendant filed his
Affidavit together with the affidavits of
A S Kimb & Sarsbriland for a Continuance
of this Cause. Whereupon It is Considered
by the Court that this Cause be Continued
Until the third Monday in November next
And thereupon came in open Court the
defendant together with Emily Wynne
and acknowledged themselves jointly &
severally bound & indebted to the State
of Tennessee in the Sum of Twenty
Thousand Dollars to be levied of their
goods, & Chattels lands and tenements
severally for the use of the State but
to be void on Condition that the said
defendant do make his personal
appearances before this Court on the
third Monday in November next
thither and there to answer the State of
Tennessee on the above Charge of Felony
and not depart without leave of the
Court

And thereupon came in open Court
Jas N Manife and B M Williamson and
acknowledged themselves bound and indebted to
the State of Tennessee in the Sum of Five Hundred
Dollars each to be levied of their goods Chattels
lands and tenements Separately, but to be void
on Condition that they do make their personal
appearances before this Court on the third

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Monday in November next then and there
to testify in favor of the State and against
Thomas S. Wynn on the above charge of
felony and not depart without leave
of this Court.

This day came the atty Genl in behalf
of the State and Nathan Marvin was
solemnly called to come into Court
as he was this day bound to do and
prosecute his against Thomas S. Wynn
for a felony or that he would forfeit
his Recognizance Came not but made
default. Whereupon it is considered
by the Court that the State of Tennessee
recover of the sd Nathan Marvin the sum
of two hundred and fifty the amount of
his Recognizance unless he appear before the
Court here on the first Monday in February
next and show cause why he does not now
appear & that scire facias issue,

And on Friday the 24th of November 1848
^{present the Honorable J. N. Tamm}
this day came the attorney General in behalf
of the State and thereupon came the defendant
in custody of his Bail and by consent of the
attorney General and the defendant this
Court this cause is continued until the
next Term of this Court and thereupon came
the defendant together with Emily Winn as
his security and acknowledged themselves to

x

be jointly bound and indebted to the State of Tennessee in the sum of Twenty thousand dollars to be levied of their goods and Chattels lands & Tenements respectively But to be void if the said Thomas, S. Winn doth make his ^{personal} appearance before the Criminal Court here on the first Monday in February next then and there to answer the State of Tennessee on the above Charge and not depart without leave of the Court,

And James Coleman, A. Weed, T. B. Williamson & J. M. Williamson Witnesses in behalf of the State acknowledged themselves (Each of them) to be bound and indebted to the State of Tennessee in the sum of Two hundred and fifty dollars each to be levied of their goods & Chattels lands & Tenements But to be void if they appear before the Court held on the first Monday in February next then and there to testify in behalf of the State against Thomas, S. Winn in the above Cause and

not depart without leave of the Court.

And at the February Term of said Court 1849 pursuant to the General Writ. Juries were duly summoned Tuesday the 6th Febry 1849 the following named men were summoned.

This day came the attorney General in behalf of the State and also came the defendant in custody of his Bail and the Sheriff of Montgomery County returns into Court a lawful pannell of good & lawful men of Montgomery County as jurors summoned for the trial of this Cause. And thereupon the attorney General in behalf of the State Challenges the array or pannell so summoned as aforesaid from among whom the following good & lawful men of Montgomery County were duly elected tried as jurors to wit Simon Jones W. D. H. Burton Almer Hunter Sand B. McKiel James Eder Ransom Morrow & Edward, H. Rand

Who took their seats in the box & it appearing to the Court that it is impracticable to impanel a jury this day. By consent of the Attorney General & the defendant his counsel this Cause is continued untill tomorrow and the jurors aforesaid placed under the care & charge of Orville Thornton a sworn officer and the defendant placed in the custody of the Sheriff of Montgomery County.

And on Wednesday the 7th ~~February~~ 1849

The following proceedings were had in said Cause to wit, This day came the Attorney General in behalf of the State, and the defendant in Custody of the Sheriff, & thereupon the officer in whose charge the seven jurors elected in this Cause were committed on yesterday reported to the Court that during the last night seven four one of said jurors separated himself from the others & rambled about town two or three hours. The Court & the Attorney General offered to discharge the ~~said~~ juror & give the defendant the privilege of selecting one in his stead, and also offered to discharge the whole numbers elected & have a new pannell summoned but the defendant refused to permit either to be done and elected to be tried by the jurors aforesaid & the Court directed the other names on the pannell to be called And thereupon came five other jurors to wit ~~Wm~~ Edmondson James Heathman Gray B. Harris Jesse Hunt William B. Gardner & also came the jurors elected yesterday all of whom being duly elected tried & sworn

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well and truly to try the issue of traverser
between the State of Sumner and the defendant
and a true deliverance make. Took their seats
in the box and thereupon this cause & jury
by consent of the atty General & the defendant
were adjourned till tomorrow morning and
the jury placed in charge of a sworn officer
and the defendant committed to prison.

And on the 9th Feby 1849

The following proceedings were had in
this cause to wit

This day came the atty General in behalf of
the State and the defendant in custody of the
Sheriff and thereupon came the jurors
heretofore impanelled in this cause and
took their seats in the box and resumed the
trial of said cause & the same being unfinished
thereupon this cause & jurors by the consent
of the atty General and of the Defendant
were adjourned untill tomorrow morning
& the jury permitted to retire under the care
of a sworn officer & the Defendant committed
to prison. During the progress of the cause
the Defendant presented three Bills of
exceptions to the opinion of the Court
which were signed sealed and ordered to be
made a part of the record.

And on the 9th Feby 1849

The following proceedings were had
in this cause to wit

This day came again the Attorney General
in behalf of the State and the Defendant

in custody of the Sheriff is brought to the Bar and thereupon came again the jury heretofore empanelled in this cause who took their seats in the Box and resumed the trial of this cause and the same being unfinished thereupon by consent of the Attorney General and of the said Defendant this cause & jury are adjourned untill tomorrow morning and the jury retire under the care of a sworn officer & the Defendant is remanded to prison. And on the 10th Feby 1849

The following proceedings were had in this cause to wit,

This day came the Attorney General in behalf of the State & the Defendant in custody of the Sheriff was brought to the Bar & thereupon came the jury heretofore empanelled in this cause who upon their oaths do say that they find that the Defendant is guilty in manner and form as charged in the Bill of Indictment against him. And the Jurors aforesaid upon their oaths aforesaid do further ascertain and say that the said Defendant Thomas S. Wynne for the offence aforesaid shall undergo confinement in the Jail & Penitentiary house of the State of Tennessee for the term & space of thirteen years.

and thereupon the defendant by his Counsel moved the court to grant him a new trial in this behalf judgment being had it is considered by the court that the motion be overruled & no reason being shown the court why the court should not proceed to judgment and Execution thereof against him,

It is therefor considered by the Court that the said Defendant for the offense aforesaid do undergo Confinement at hard labor in the Jail & Penitentiary house of the State of Tennessee for the term of thirteen years commencing at this date, and that he be rendered infamous & that he pay the cost of this prosecution for which Execution issue in favor of the State of Tennessee, and thereupon the Defendant by his counsel filed his Bill of Exceptions which is signed & sealed by the Court & ordered to be made a part of the records in the cause and the Defendant prayed an appeal to the next term of the Supreme Court to be held at Nashville, and the same is allowed & thereupon came the Defendant together with Emily Wynne his security in open Court and acknowledged themselves to be jointly & severally bound & indebted to the State of Tennessee in the sum

of Twenty thousand dollars to be levied
of their goods & chattels lands and
tenements for the use of the State

But to be void if the said defendant
Thomas, I, Reynolds make his personal
appearances before the next Supreme
Court to be held at Nashville on
the first Monday in December next
there and there to answer & abide by
the judgment of said Court &
not depart without leave of
said Court.

Bill of Exceptions.

State

Thomas, I, (Winn) } Be it Remembered that on
the trial of this cause,
the State introduced Jas. Nolin in behalf
of the State who having testified to facts
not excepted to by the Dft proceeded
to state that after St. Marvin had gone
through with his testimony in chief but
the trial was still pending before said
Nolin who was the Magistrate then trying
Winn. In Marvin, turned to Winn and
said (Tom why did you serve me so
You know we were like two Brothers when
we were on the River, you persuaded me
up this River to go home with you to your
Mother. I would not have served you
so) To which Winn made no reply

to the introduction of W Marvin's
 declaration to Wynn as above stated the
 Defendant by his Counsel excepts and
 prays this his Bill of Exceptions to be
 signed sealed and made a part
 of the record which is done, after
 which the trial being still pending &
 undetermined Nolin resumed his
 testimony as a witness in the cause,
 the witness also stated he did not
 inform Wynn he might answer to the
 statement or interrogatory of Marvin.

W. H. Turner Secy

Second.

State of Tennessee } Be it remembered that on
 Thos. J. Wynn } the trial of this cause
 James Nolin was called
 on the behalf of the State by the Attorney
 General who after being sworn among
 other things was excepted to stated on
 the interrogatory of the Attorney General
 that Marvin the prosecutor stated that he
 had certain articles of property in
 his trunk a white handkerchief with
 his name upon it a pair of pantaloons
 and some other articles that thereupon
 he Nolin & others caused defendants trunk
 to be opened, that they found articles
 corresponding with those described
 by Marvin also witness stated that
 Marvin said he had in his trunk
 a gold piece of two dollars & fifty
 cents that his father gave him

wrapped up with a piece of paper or an
 old Almanac & also a gold pencil and
 other love tokens all in a pocket book
 that on examining Defendants Trunk
 they found a gold piece of two dollars
 and fifty cents like the one described &
 the pencil and love tokens all in the
 pocket book the witness described
 them & the descriptions corresponded with
 that given by Marvin, also said when
 he & others were examining the trunk
 of deft Marvin was present and described
 a pair of shoes and also a shirt or
 two, that the shoes & shirts corresponded
 with the description given by Marvin
 after the examination of the trunk was
 made as part of the evidence in the
 case, to the questions eliciting the above
 statements of the witness and the answers
 as to the declarations of Marvin and his
 descriptions and claims of ownership of the
 articles of property the Court overruled
 the objection and allowed the answers
 and statements to be made as evidence
 in the cause to which opinion of
 the Court the deft by his counsel
 excepts and prays this his Bill of
 Exceptions to be signed sealed and
 made a part of the record in the
 Cause which is done

W. K. Turner (Seal)

17th

third

State vs. Allen } But it Remembered on
 the trial of this case
 after a witness Charles Jones called
 for the deft. had proved that he
 saw Nathan Marvin playing
 cards on a Steamboat on the
 Mississippi River, the state introduced
 John Kuss for the purpose of rebutting
 the foregoing proof, who was asked
 if he ever heard Marvin solicited to
 play cards. to this question the
 Counsel for the deft. objected but
 the Court overruled the objections
 and permitted the witness to answer
 that he had solicited him to play and said
 that he refused stating that he did not know
 how. To which opinion of the Court the
 Counsel excepts & prays this Bill of
 exception to be signed sealed and
 enrolled which is done

W. H. Turner Sec

State of Tennessee

Thomas I. Allen } But it Remembered
 that this case came to
 be tried before the Honorable William
 H. Turner Judge of the Criminal
 Court at Clarksville at the February
 Term 1849 of said Court upon the
 Indictment and defendants plea
 of not guilty and the Jury being
 empaneled and sworn

the Attorney General on the part of
 the State introduced ^{Who}
 being sworn testified that he as
 Justice of the Peace for the County
 of Montgomery at Palmyra. On the
 20th of April 1848 had defendant
 before him upon trial upon a
 charge of attempting to kill &
 murder Nathaniel Marvin the prosecutor
 in this case Marvin was present
 He was badly bruised & injured
 his face was very black and there
 wounds that seemed to be made
 with a knife upon his ~~face~~ neck
 under the left ear and over both
 eyes. The trial having commenced
 Marvin got up sat on a bench
 before the fire Marvin said he
 had some money in silver in gold
 I asked Winn if he had any
 money he said yes and I told him
 to give it to me He pulled out 8
 dollars and gave it to me and
 I handed it to Marvin This was
 after Marvin claimed more money
 after Marvin had gone through his
 statement of how the circumstances
 occurred he turned to Winn and
 said (Tom why did you serve
 me so You know we were like
 two Brothers on the River you

You persuaded me up this river
 to go home with you to your Mother
 I would not have served you so
 Winn made no reply, Winn spoke
 to Marvin in my presence there
 was a trunk in the Room which Winn
 claimed as his trunk, I asked him if
 he had the key to it and he gave
 it to me without any hesitation I
 asked him if he had any objection
 to its being searched he said no
 and thus gave the key to Mr Manife who
 unlocked the trunk - We found in the
 trunk a \$2⁰⁰ gold piece wrapped up in
 a piece of newspaper, or Almanac, also
 a little red pocket book with a gold
 pencil and two little Valentines or "Love
 Tokens" in it, also a pair of shoes
 all of which articles Marvin had
 described before the trunk was opened
 and they corresponded to his description
 Witup stated Marvin's descriptions of
 these articles & it is admitted that the
 description given by Marvin correspon-
 ded with that given by Witup, there
 was also in the trunk a white pocket
 Handkerchief which answered to
 Marvin's description and was marked but
 do not recollect in what way, I saw
 a white silk purse with money in
 it Did not recollect by what particular
 Marks or indicia Marvin described
 these articles but they answered in

general to his description of them he Marrow said the gold piece was new and bright.

Percy Williamson a witness in behalf of the State was then introduced who sworn and deposed as follows.

I am acquainted with Ulin. I carried my Boat over the River the morning after Marrow was brought to Palmyra Ulin came down to the boat on the other side and said he wanted to go over to go on the Boat dying at Palmyra. He asked me to go up the River about a mile after his trunk said he had run with his trunk to meet the Boat as she came down, and she passed him and he left his trunk up the River. I told him I could not do it that he could get the Captain of the Boat to send some hands after his trunk up the river. Whilst the boat was going over the River Ulin got in conversation with Mr Blackmore he told him that he had had a pretty bloody fight with a man near Trenton the day before yesterday that he and his combatants were riding along the road and got into a quarrel and a fight and he "popped this fellow into him" Alluding to the knife he held in his hand.

He said that he had been as bloody as a hog and had just wiped the blood off of his knife. After Miss was taken we went up the river to look for his trunk and found in a sink near the root of a tree about a mile up the river. His Mother lives about a mile and a half or two miles above Palmyra and from a quarter of a mile to a half from the nearest point of the river. In a straight direction from the place where we found the trunk to his Mother's there is a harry cane and a good many trees blown down and bushes grown up and there are no paths through it except where the stock have made trails. I saw tracks across the Creek and tracks going over it, like the tracks of two different persons. Withup also proved that it was a shorter distance from Mrs Winns to Palmyra by the public road + a much better route than the one which Wynne must have taken if he came down the river by this track — Captain Joshua Throope a withup for the State was then introduced who swore as follows. I am Captain of the "County" sometime last spring about nine o'clock at night were coming down the river and at the head of the Palmyra

island the alarm bell rang the pilot said there was a man in distress on shore or in the river. We stopped the boat and took in Marvin he was badly wounded as I thought & bloody I did not examine his wounds. He was scarcely able to walk the stage plank & very weak. We landed at Palmyra and put him out. When taking him on board the boat he ailed & had liked to have fallen I ordered one of the men to assist him on board. Russell, M. Williamson

a witness for the State was then sworn and deposed as follows I saw Marvin at Mr Menifee after his wounds were dressed and tied up the morning after he was put out at Palmyra about 10 or 11

O'clock in the morning. Mr Menifee & myself apprehended Winn on the Steam Boat Mil Mauckie which was lying at Palmyra & which came there during the night or early in the morning and tied him when we went to tie him on pulling back his arms his coat flew open & I saw some blood on the bosom of his shirt. We carried Winn into the Room where Marvin was - heard Marvin claim a ring on Winn's finger

and Winn pulled off the ring and gave it to Marvin. Marvin pulled off a ring on his finger and gave it to Winn. Winn had a Silk Handkerchief on his hand which Marvin claimed and Winn gave it to him. There were a great many persons present from the neighborhood and the crew & passengers from the Boat. I heard Marvin say to Winn why did you do me so & Winn said he never saw him before. Marvin told Winn he had shot at him, he asked Winn why he shot at him & beat him with the pistol? Winn made no reply. Marvin was wounded. had some cuts in each eye, some two or three cuts in the neck just below the left ear and some bruises on the head seemed as if made with some heavy weapons. When the tray of the trunk was brought to Marvin he claimed it in Winn's presence. When Winn was taken he had some money in a sock in silver, some in his pocket and paper in all amounting to \$130 or \$140 which we took from him of which thirty dollars in silver was in his pocket wrapped up in a sock.

And gave to Marvin upon its being
 claimed by Marvin. — after Marvin was
 taken we went to look for his trunk
 and found it about a mile up the
 river in a sink where a tree had
 blown up. Saw some tracks crossing
 the creek & some rails across the
 creek but did not measure the
 tracks they seemed to be made by
 two persons. We traced the tracks
 up the river for a short distance
 then up a hollow out from the river
 and up another hollow to the left
 leading into the woods for about
 half a mile in a direction tending
 down the River from Mrs. Williams.
 Found a log on which they had
 been sitting and the leaves scraped
 away near the spot with their feet.
 We traced the tracks up from the
 hollow to a rocky ridge, which was
 grown up very thickly with bushes
 and stunted trees. Here we lost the
 traces of the two tracks and in returning
 home we found some distance from
 the river on hog branches as we were
 descending a steep hill the track of
 a single person saw where he crossed
 the branch we lost the track but found
 it again near the river traced it a
 short distance down the river to a fenced
 and old field where we found blood

JP

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on the fence and the bushes which hung against it. Marvin described to witness the course which he went from the river + in returning which the parties admit corresponded with the description given by witness. But the defendant objected to the testimony being given. The Court overruled the objection & deft excepted. Witness also proved that all the localities spoken of by him in his testimony were in the County of Montgomery.

James W. Manifer was next called and sworn who deposed - that Marvin was brought to his home at night, was badly cut & bruised on the top & sides of the head, with two incised wounds on the left side of the neck one of which was just below the base of the ear, and a wound over each eye which witness thinks was above the eye on the brow. He was very feeble and exhausted and even very much chilled so much so, that two of witness sons had to assist him to the house. I told Wynn when he was arrested that Marvin was there he did not seem to be embarrassed when Marvin & Wynn were brought together a great many persons were in the Room nearly all the crew & passengers off a Boat then lying at the wharf.

and I did not remain long in the room I did not see Marvin give a ring to witness. I saw none.

Crop
Examined

Marvin got clear of all his money but \$22 or \$23, - within a few days after he got well - he paid \$14 or \$15 per yard for Broad Cloth for a Coat Bought two pair of gloves one fine black Kid. he was sitting up the next day after he ~~came to~~ brought to my house and in five or six days was walking about he went to W. Allen in Palmyra in ten days after he was brought there and after remaining in the Town three or four months went to Texas going down the River on a Steamboat and I have not seen him since. A few days before he left Palmyra I settled with him.

We had been partners in a grocery and I paid him \$8, or This was all the money I knew of his having. He paid his physicians and paid me \$2,50 per week for his board whilst he remained in Palmyra.

D. Charles Sellers being next called for the State ~~proved~~ + deposed as follows I saw the wounds on Marvin's person was called to see Marvin by Doctor, Allen there was a puncture

over the ball of each eye & under the brow. The instrument with which they were made must have been of the size of a penknife. There were two wounds ~~over~~ the left side of the neck which gaped open about one eighth of an inch, one of them within a quarter of an inch of the Carotid artery & jugular vein the other not quite so close but just below the ear. The wounds on the neck were from one half to an inch in length I did not probe the wounds & cannot tell their depth probing would not have ascertained the depth of the wound in the eye. I did not consider them dangerous if properly treated if the Carotid artery or jugular vein had been punctured death would have certainly ensued in a few minutes. The bone of the skull above & behind the eye is very thin not thicker perhaps than a sheet of paper and if the instrument which was thrust in Marvin's eyes had penetrated this thin covering death would almost certainly have ensued. death would be the consequence in such cases ninety nine times in a hundred. Dr Allen has left the country

Quell being next sworn for the State deposed as follows. I saw Marvin the night he was brought to Palmyra the was badly cut & bruised on the top & sides of the head in four or five places some of the gashes being several inches in length

He was cut about the eyes which were
 very much swollen & black but I do not
 remember the precise situation of the wounds.
 There were cuts or gashes on the sides of
 the neck cut with a sharp instrument
 I ~~considered~~ these cuts the most danger-
 -ous. Marvin was very bloody when Wino
 was brought into the Room where Marvin
 was the next day Marvin called him Thomas
Shooked hands with him. Some one asked
 Wino if he knew Marvin, to which he
 replied he did not having pointed
 to a ring on Wino's finger and said
 it was his that they had made a
 temporary exchange a few days before
 Wino gave it up & Marvin ~~traded~~ Wino's
 to him Marvin said something to Wino
 about the manner ~~in~~ which he Marvin
 had been treated, and asked Wino
 why he, Wino, did it. Wino made no
 reply & Marvin said something to Wino
 about the friendship which had existed
 between them which I do not remember
 both Wino & Marvin seemed much
 affected Marvin on the trial described, a
 red pocket book or wallet having in it
 a bright \$250 piece of gold wrapped
 up in a piece of newspaper or part
 of an old Almanac & also a gold
 pencil & three love tokens he also
 described a pocket Handkerchief

white with blue border having the words
 W. M. written on it & the M. inverted so
 that it looked like a W. he also described
 a pocket handkerchief with gold in it
 all these he said he had in his trunk
 Alvin's trunk was opened and we found
 the red pocket book with a \$2.50 piece
 of gold wrapped up in an old piece of
 newspaper a gold pencil & three Valentines
 We also found a white handkerchief
 with a blue border and the letters W. M. the
 M. inverted so as to make a W written on it
 We also found a handkerchief which had
 in one corner an impression about the
 size of a \$5.00 gold piece & which
 seemed to have contained money
 Marvin also described a white silk purse having
 metal beads at the ends a hole in it sewed
 up with thread. We found a purse in Alvin's
 trunk and the witness description of it corresponds
 with that given by Marvin. I was present
 during the whole of the trial before Edg-
 Nolin Marvin was sitting by the fire place
 on the left side from the door Alvin was
 sitting on the other side near the wall
 & the justice near to him. I do not now
 remember to have heard Marvin address
 himself to Alvin during the trial the
 room was crowded with people I
 was standing by Marvin near the fire
 Maurice Sellers witness for the State was sworn &
 deposed as follows

I went with the party in search of Ullim's trunk after we found it we saw the tracks of two persons leading a short distance up the river. Crossing a log branch over which two or three rails had been thrown apparently the night before we saw near Ullim's trunk the track of a single person leading down to the waters edge I followed this down to the water & there found the tray of a travelling trunk floating in the eddy I took it out & found in it a comb the track leading to the waters edge I traced back again near to the trunk.

Edward, W. Munford a witness for the State deposed as follows. Some time last spring I was coming up the River from Smithland on the Steamboat Josephine saw Ullim on the boat & asked him where he was going reply, he was going to his Mother's. Saw Ullim on the Boat playing cards frequently saw him playing with a tall man with whiskers around his chin whom I did not know also saw a man whom I have since recognized as Marvin the prosecutor in this cause on the boat & him & Ullim together the Boat landed at a place not far above Palmyra. I was sitting near the ladies cabins & seeing that the Boat was rounding ~~to~~ at a place that seemed to be in the woods asked Ullim what landing that was he replied it was no landing at all but a place near his Mother's

and he was going to get off there, heard some conversation between Marvin & the other passengers & saw Marvin shake hands with the tall gentleman with whiskers did not see Marvin on the Boat afterwards. On the next day heard of the accident which had taken place.

C. R. Cooper was then introduced as a witness for the State who deposed that he was a practising Physician & Surgeon.

Penetrating wounds in the neck near the place described by the witnesses as being in Marvin's Neck are dangerous because near the jugular vein or carotid artery also wounds under the arch & over the ball of the eye in the socket are dangerous because the brain is protected by a thin bone not thicker than a finger nail. Never knew a man to be killed by piercing in the eye at this place. ~~It~~ would not suppose that a man who could get up on the next day & walk about in five or six days was very dangerously wounded.

Chat. Louis, a witness for the deft who sworn & deposed as follows. I became acquainted with Marvin the deft in New Orleans last Spring we were together there two or three days I saw him sell a fine gold hunting watch to a pawn broker for ninety dollars in gold sovereigns.

A day or two after the sale of the watch
 We started from New Orleans upon the
 Silas Wright I was going to Cothage
 in Smith County. Turner, Ulin &
 myself occupied the same State Room
 on the Silas Wright. Ulin had some
 paper money when we left New Orleans
 do not know how much. Marvin the
 prosecutor got on the Boat at Vicksburg
 Ulin & Marvin & myself became intimate
 & Marvin had access frequently and
 freely to Ulin's State Room they were intimate
 and had the means of seeing each other
 often. We left the Silas Wright at
 Smithland. I saw Marvin borrow
 three dollars from Ulin to buy a pair
 of Boots with. Marvin bought the boots
 do not know how much they cost.
 We all got on the Josephine at
 Smithland. Saw Ulin & Marvin trading
 some clothes. Saw them exchange two
 pairs of Pantaloon & some pocket Hand
 kerchiefs. There was a name upon one
 of the handkerchiefs which Ulin
 got from Marvin. That Marvin said
 was a lady's name. He valued it on
 that account. They exchanged rings
 temporarily. Ulin opened his trunk
 in the presence of Marvin of me
 & I him get money out of it. Saw
 Ulin & Marvin playing cards together
 on the Mississippi River. Marvin & myself

Marvin and myself played cards and put up a dime as the Stake—

Wells Fowler witness for the defendant deposed that before Miner left for N. Orleans during the winter of 1847-48 he sold him a gold hunting watch at the price of \$140 or \$150 and took his Mother's note for the amt. She said it was all right when he presented the note. Miner also bought of him a gold ring & perhaps a gold pencil but is not certain as to the pencil—

John Kuss witness for State deposes that on occasion Marvin was requested to play a game at cards for amusement (a Lady being present) and he said he did not know how to play. This was since the circumstances of his injury. So much of this testimony as relates to Marvin's declaration that he could not play cards the Defendant's Counsel objected the Court overruled the objection and allowed the declarations of Marvin upon this subject to go to the Jury to which Aft's Counsel excepted & this was all the evidence in the Cause. And the Court charged the Jury as follows—

Charge
to the
Court
of the
jury

State
Man

The Court among other things
unaccepted to charged the
jury as follows—

This is an indictment against the
Defendant containing two counts
charging in both of the counts the
offence of an assault with intent to
commit Murder in the first degree
our Court charges that the offence
was committed with a pistol. The
other charges that the offence was
committed by cutting and stabbing
with a knife. The Court will
proceed to state the Rules of law
that are applicable to the offence
This indictment is founded on the
Statute which enacts that whoever
shall feloniously and with Malice
sforthought assault any person with
intent to commit Murder in the 1st
degree shall undergo confinement
in the Penitentiary for a period of not
less than three nor more than twenty
one years In order to convict this
offence the circumstances under
which the assault was ^{committed} ~~made~~ if
~~made~~ ^{committed} at all must show that if
death had been the consequence of
the assault that the offence would be
Murder in the 1st degree & this brings us
to a consideration of the law.

involved in Murder in the first degree
 The Statute which creates the offence
 of Murder in the 1st degree declares
 that all Murder ~~which~~ shall be
 perpetrated by means of Poison by
 laying in wait or by any other kind
 of wilful deliberate malicious and
 premeditated Killing shall be adjud-
 -ed Murder in the 1st degree You will
 then Gentlemen observe that there
 are several requisites to constitute
 the offence of Murder in the 1st degree
 1st It must be done wilfully - that
 means that it must be done of
 purpose, it must be done deliberate-
 -ly that it must be done with cool
 purpose. It must be done maliciously
 that is with Malice aforethought
 it must be done with premeditation
 that means that before the Murder
 was committed that the party Killing
 had thought on it had determined
 in his mind to Kill - It is not necessary
 that any particular length of time should
 elapse - it is a rule of law that if
 the determination exists in the mind for
 one minute, or for one minute the offence
 would be as complete as if the determination
 had existed for an hour or for a day
 You will then Gentlemen recollect the rules
 of law applicable to and constituting
 Murder in the 1st degree

and in order to constitute the offence all the requisites of which the Court has spoken must concur, that is Murder in the 1st degree. The inquiry for the Jury in this case is - if death had been the consequence of the assault would it have been Murder in the 1st degree. For a determination of this question you will look to the testimony. You will ascertain from the testimony - if Elmer assaulted Marvin. What did he intend to do at the time he committed the assault - Was it his intention to kill Marvin. (You are to judge of a man's intentions from his conduct and acts,) did he shoot at him - did he stab him in the neck and upon other parts of his person) and if he did - did he intend to kill Marvin? did he do it maliciously. - if one man stabs another or shoots another - the law presumes that it was maliciously done, & that presumption stands unless it is rebutted or destroyed by opposing testimony - did he stab him or shoot at him premeditatedly - that is before the act of stabbing or shooting - is committed. (if committed at all) did Elmer resolve in his mind to shoot at Marvin or to stab him with intent to kill him. if he did this would in legal contemplation be premeditation. did he shoot him or stab him wilfully -

for a determination of this you will look to the testimony and ascertain from the testimony, whether the stabbing or shooting was done purposely—did he mean to do it— if he did then it would have been done wilfully— Then Gentlemen you will look to all the testimony in the case— and see how these things were— and in ascertaining whether the offence charged in the indictment— has been made— You will look to the conduct & acts of the Defendant— it is a rule of law that a man must be taken to contemplate—and intend the natural consequences of his acts— Then Gentlemen if you find from the testimony in the case that Wynn assaulted Marvin by shooting at him or stabbing him, and you find further if Marvin had died— that then he would have been guilty of Murder in the 1st Degree— then the Defendant in legal contemplation would be guilty— as charged in the indictment— that is he would be guilty of an assault with intent to commit Murder in the 1st Degree— These are all the rules of law applicable to the body of this offence the law of Murder in the 2^d degree & of Manslaughter not being involved in this case it is unnecessary for the Court to state the rules of Law applicable to them—

It will be for you to make an application of the law to the facts in the case and determine from the testimony whether the Defendant is guilty of the offence charged in the indictment & this may be seen either by positive testimony, or by circumstantial testimony.

It is a rule of law that the best testimony must be produced that the case is susceptible of for in the case now before the Court - the State ought if she could produce the prosecutor Marvin & let him testify as to the offence charged in the indictment - Yet sometimes if Marvin chooses to absent himself and will not come forward to testify - This is not to defeat the right of the State to resort to other testimony for the purpose of sustaining the offence charged in the indictment - The testimony brought by the State on this trial is circumstantial proof - Circumstantial proof is that degree of proof by circumstances which is sufficient to produce a conviction in the minds of the Jury of the truth of the fact in question - The object of testimony is to elucidate the issue or in other words to disclose the truth of the charge to be investigated - for example the truth of the charge in this case to be ascertained is whether the Deft Wilms assaulted Marvin

the prosecutor with the intent to
 commit murder in the 1st degree. The
 testimony is introduced here for the
 purpose of informing your minds how these
 things are. this is the object of the testimony.
 It follows then that the truth of the
 testimony is a highly important consid-
 eration with the Jury. The law presumes
 that any man from an innate love
 of truth will testify truly. Yet a trial
 rarely takes place that the Jury are not
 called on to separate truth from
 falsehood. Thus gentlemen you will when
 you take up the testimony in this cause
 look to all that has been deposed
 so and if there be conflicting testimo-
 ny or statements you will reconcile them
 if you can if you are ^{not} able to do
 so consistently with truth you will
 then proceed & separate the truth from
 falsehood & give credit to those
 witnesses that are entitled to credit
 and in doing this you will look not
 only to the intelligence of the witnesses
 but you will look also to their prejudices
 the friendship & the connection the witness
 may have with the parties to the cause.
 You will also regard the manner of the
 witness - an over forward or hasty zeal
 in giving evidence in favor of the party
 who has summoned him his reluctance
 in giving adverse testimony are
 circumstances to be considered by

the Jury in ascertaining the (40)
truth of the testimony if the
testimony cannot be reconciled if it
conflicts- you will ascertain the witnesses
who have sworn truly in the case
and take the testimony of them- for
it is a rule of law- that presumption
that a witness will swear the truth

ceases as soon as it is manifest
that he is capable of perjury

then if you are satisfied from the testimony
in the case that any one witness has sworn
falsely to any material fact in the case
then the law rejects his testimony as unwor-
thy of credit. the law does not credit a

witness that has shown himself capable of
perjury - the Court will state that there
is not any omission to state the testimony, truly
that it will not to perjury partial

variances or collateral points are of little
importance unless they be too prominent
to be ascribed to inattention or defect of

memory the Court has already stated
to you that circumstantial testimony
is that degree of evidence by circumstances
which produces a conviction of the truth

of the charge it is any evidence which is
not direct & positive consequently all
circumstances & facts that tend to prove

the issue is legitimate testimony for the
consideration of the Jury- the Court
permitted proof to be made to you

That Marvin before Winn's trunk was opened described certain articles spoken of in the testimony & then permitted proof to be given of the articles when it was produced - As a circumstance to be considered by you for the purpose of ascertaining whether the articles belonged to Marvin & had been in his possession. The Court also permitted proof to be introduced to you that Marvin and the Defendant left the Steam Boat together above Palmyra as another circumstance in this case to be considered by you. The Court also permitted proof to be introduced that tracks were seen on the Bank of the River & at the branch as another circumstance - they also permitted proof to be introduced that tracks were seen leading out from the River into the Swamp and the place where the tracks led to was grown up in bushes & briars, & that blood was found on the Bushes as another circumstance to be considered by you - The Court also permitted to be proved to you that Winn's trunk was found about the place where Marvin got on the Steam Boat as another circumstance to be considered of by you. The Court also permitted to be proved that Marvin got on board the Steam Boat near by or in the neighborhood of the place where Winn's trunk was found as another circumstance to be considered

by you — The Court also permitted
 1 Proof to be made that Marvin when
 he got on the Steam Boat got on the
 boat near the place where Winn & Marvin
 left the boat going up the River that he
 had on his person several wounds upon
 his neck, eyes and other parts of his person
 as another circumstance to be considered
 by you. The Court also permitted evidence
 to be given that when Marvin & Winn met
 Allin stated that he did not know
 Marvin as another circumstance to be
 considered by you. The Court also
 permitted evidence to be given that Allin
 stated that he had a fight at Trenton
 & that he had stabbed a man & that
 he had just cleaned the blood from
 his knife as another circumstance
 to be considered by you. The Court
 also permitted proof to be made that
 Allin when he was arrested had stains
 of blood on his short bosom as an
 other circumstance to be considered
 by you. & here the Court will state to
 you that if the testimony in the case
 shows that the prisoner had an
 opportunity to commit the offences
 charged in the indictment — and
 you are satisfied that Marvin was
 assaulted & stabbed as stated in the
 indictment the fact that Winn had on his
 person blood, if unaccounted for &

and unexplained raise a presumption of guilt against him not conclusive though for the law presumes if the blood had got on his person consistently with his innocence he could account for it and show how it came on his person and it becomes his duty to do so. It is stated in the law Books and our experience and observation in the affairs of mankind show it to be true that forcible injuries can be seldom perpetrated without leaving evidences by which the guilty agent may be ascertained. In a case of Burglary the thief had gained admittance to the house by opening a window with a putknife which was broken and part of it left in the window, the broken knife was found in the pocket of the prisoner and corresponded with the broken part left in the window. In another case the prisoner was connected with the Murder by these means a man was killed by shooting with a pistol the proof showed that the wadding in the pistol was a part of a letter belonging to the prisoner the balance of the letter being found on his person - and in another case a prisoner was convicted with a Murder by proof showing that the prisoner had a patch on the knee of his breeches and that the impressions made upon the ground close

to which the body of the murdered
 man lay corresponded with
 the patch on the knee of his breeches
 In another case of Robbing when the
 Robber attacked the person upon whom the
 robbery was committed he struck the prisoner
 with a key upon the face, the impression made
 by the key corresponded with the wards of the
 key. belonging to the person robbed. The
 cases are familiar to lawyers and are put
 in the books to show the principles or rather
 the force of circumstantial testimony. In
 considering the force of circumstantial
 testimony the Jury must look to the
 Hypothesis to be established and if the
 testimony is so remote that some other
 hypothesis than the one to be established
 may be true then the testimony is not
 sufficient to convict. for instance in
 this case if the circumstances that
 have been given in evidence are so
 weak and inconclusive as to show that
 some other person besides the prisoner
Winn may have assaulted & stabbed
 Marvin then the testimony would not
 be sufficient to convict the prisoner
 for the testimony must be of a
 character whether it is positive or
 circumstantial to convince the
 mind of the Jury of the truth of
 the charge. what the will and to
 proof by circumstances, can never be

a matter of definition, Circumstantial testimony depends on such a variety of acts, conduct, and events connected with human conduct, the law cannot define in what it consists of. By definition, the legal test is the sufficiency of the evidence to satisfy the consciences and understanding of the Jury, absolute demonstration certainly is not required, is not essential to proof by circumstances it is sufficient if they produce moral certainty to the exclusion of reasonable doubt, direct testimony does not afford ground for a conviction of higher character than this. —

To all of which the Defendant objected but the Court Overruled the objection and the Clerk Presents this Bill of exceptions which is signed sealed and ordered to be made part of the record, —

W. K. Turner Clerk

Bill of Cost

Clark Duane met Spina 30. Recording in dictat 25	45
" J. Continuances 1.12 th & affidavits 37 th	1.50
" 14 Subpoenas sp. for State 1.75. 4 Dr for Deft 50	2.25
" 7 more Deft in custody & to forward pay 36	1.75
" 21 Continuances 5.25 judgment 75. Jury 12 th Bill cost 25	4.37 th
" applied 75. filing 4 Bills Exceptions order, 1.00	1.75
" Motion Mutual 25. winning Motion 25	50
" 17 probate & custody 2.12 th Transcript record 1.42 th	3.75
" Exhibits 9920 words	4.92

28. 547_n

Justice J. Asher committing Sept 50. Warrant 25 75
 Commr. J. N. Mansper arrest on Warrant 50 2 Subpoena 50 1.00
 J. W. McMillan 4 Subpoena, Executed 1.00 July 12th 1.12 1/2
 " B. M. Williams on 2 spots 50. J. M. Duff 2 D. Warrant 1/2 14 Sept 1890 1.50
 Executed on one lot 3
 " J. B. Eldred 1 D. for Sept 25. W. Brady 2 D. for Sept 25th - 50

Whetup for	Shale	B. M. Williams	on 13 Aug 8	Homage	96	11.24	14.54
"	"	A. S. Mansur	12 "	8 "	112	14.25	
"	"	Sh. M. E. Allen	3 "	"	24	3.21	
"	"	O. M. M. M.	10 "	6 "	72	11.00	
"	"	J. M. M. M.	9 "	4 "	60	9.65	
"	"	P. B. Williams	7 "	2 "	48	7.42	
"	"	Wells	2 "	"	"	1.50	

Writhep for Dept Hm P. Lard 2 u 2 u 12	2.23
J. M. Buff - under current Dept 53 days 20 June Aug	29.62
M. J. H. H. H. H. H. H. H. H. for Keeping jny Whites cuped on head 7 jms & days @ 3/-	

12 farms 3 days @ \$16 per day

To P Johnson attorney General

4118.87

1887

Chas Dudley

5

State

4 3/4

Thomas D. Morgan

July 24th Dec. 1879

Receipts of

J. L. Peck

Received in full

10 64

James 321. 11. 00

No. 0

State of Tennessee Dec. Term 1849
To the Sheriff of Montgomery County. Greeting.
Whereas Thomas J. Wynne, and his Security Emily Wynne, on the 10th day of February 1849, in Open Court, at the Court House in the Town of Clarksville, acknowledged themselves jointly & severally bound & indebted to the State of Tennessee in the sum of Twenty thousand dollars, to be paid of their goods & chattels, Lands & Tenements, for the use of the State, but, to the said of the said Thomas J. Wynne the Defendant, makes his personal appearance before the next Supreme Court to be held at Nashville, on the first Monday in December next, then & there to answer the State of Tennessee, in an Indictment for a fault with intent to murder, as abide by the judgment of said Court, as not default without leave of said Court - and Whereas to wit, at Dec. Term 1849, the said Thomas J. Wynne was solemnly called to come into Court, agreeably to his recognisance as, answer the State of Tennessee, in an Indictment for a fault with intent to murder, came not, but made default, and the said Emily Wynne, was also, solemnly called to come into Court, agreeably to her recognisance as, bring with her the body of Thomas J. Wynne, to answer the State of Tennessee in an Indictment for a fault with intent to murder, came not, nor brought with her the body of the said Thomas J. Wynne, but made default - It is therefore considered by the Court, that said recognisances be forfeited: and that the State of Tennessee may have her execution against the said Thomas J. Wynne & Emily Wynne, for Twenty thousand dollars, unless they show some good cause of their inability to attend at a before the next Term of this Court - and that Scire facias issue there.

You are therefore, hereby Commaned, to make known to the said Thomas J. Wynne & Emily Wynne, the tenor of this writ, & summon them to be and appear before the Judge of an said Supreme Court, at the Court House in the Town of Nashville, on 1st Monday in December next and then and there to show cause if any they have or can, why final judgment and execution of said sum of Twenty thousand dollars against them, the said State of Tennessee ought not to have - and show you this & thus this writ, as when & how you have executed the same.

Witness J. T. Clark, Clerk of an said Supreme Court, at Nashville 1st Monday in June 1850. 74th Year of the Independence of the United States.

J. T. Clark, Clerk

State of Tennessee
alias in Sequestration
Thos. J. Wynne & Emily
Wynne

Sp^d. 4th June 1850.
came to hand 9th
of June 1850

Thomas & Emily
and Emily Wynne
nor either of them
are to be found
in my County this
2nd of Dec^r. 1850
Wm M. Shelton Shff

5
1 5 1
7 2 7 5

Memorandum

State of Tennessee. Dec. Term 1849.

To the Sheriff of Montgomery County. Greeting.

Whereas, Thomas J. Wynne, as his Security, Emily Wynne, on the 10th day of February 1849, in ^{at the Court House in the Town of Clarksville} Open Court, acknowledged themselves jointly and severally bound & indebted to the State of Tennessee, in the sum of Twenty thousand Dollars, to be levied of their goods & Chattels, Lands & Tenements, for the use of the State, but to be void if the said Thomas J. Wynne, the defendant, make his personal appearance before the next Supreme Court, to be held at Nashville in the first ^{of the State of Tennessee, in a Judgment for a sum with intent to murder,} Monday in December next, then & there to answer, and abide by the judgment of said Court, as, not depart, without leave of said Court. ^{which at Dec. Term 1849,} as thereupon, the said Thomas J. Wynne, was solemnly called, to come into Court, ~~appear~~ ^{to} ~~the~~ ^{the} ~~recognize~~ ^{recognize} and answer the State of Tennessee, in a ~~Judgment for a sum with intent to murder;~~ ^{Judgment for a sum with intent to murder;} came not, but made default — as the said Emily Wynne, was also, solemnly called, to come into Court, ^{appear} ~~the~~ ^{to} ~~recognize~~ ^{recognize} and, bring with her, the body of Thomas J. Wynne, to answer the State of Tennessee, in a ~~Judgment for a sum with intent to murder,~~ ^{Judgment for a sum with intent to murder;} came not, nor brought with her the body of Thomas J. Wynne but made default — It is therefore, considered by the Court, that said recognizances be forfeited: as the the State of Tennessee may have her Execution against the said Thomas J. Wynne & Emily Wynne, for Twenty thousand Dollars, unless they show good cause of their inability to attend at, as before, the next Term: as the, satisfaction given the

You are therefore hereby commanded to make known to the said Thomas J. Wynne & Emily Wynne, the time of their next & summon them to be and appear before the Judge of an said Supreme Court, at the Court in Nashville, on the first Monday in June next: as then and there, show cause, if any they have, as can, why final judgment & Execution of said sum of Twenty thousand Dollars, against them, the said State of Tennessee ought not to have: as have you then & there this writ, as show how you have executed the same:

Witness, J. P. Clark, Clerk of our said Supreme Court at Nashville, 1st Monday in December 1849. 47th Year of the Independence of the United States.

J. P. Clark, Clerk

State of Tennessee

Thomas S. Wynne and
Emily Wynne

Sept. 18th March 1850

Came to hand 23th
March 1850

Thos S Wynne and
Emily Wynne not to be
found in my County
27th May 1850

J B Wisdom Dshff

Montgomery

STATE OF TENNESSEE.

Montgomery
TO THE SHERIFF OF DAVIDSON COUNTY--GREETING,
WE COMMAND you to summon

James H. Menifce and Bunell Williams vs

personally to appear before the Judge of our ^{Superior} Circuit Court, to be held for the County of Davidson, at the Court-House in the city of Nashville, on the second Monday in *February* next, then and there to testify and the truth to say, in behalf of the *State* in a certain matter of controversy in our Court depending, wherein *Emily Winn* is an applicant to have *judgment set aside*, is Plaintiff, and *said State* is Defendant, and this *you* shall in no wise omit, under the penalty prescribed by law.

WITNESS, *J. P. Black* ~~THOMAS T. SMILEY~~, Clerk of our said Court, at Office, the ^{*first*} ~~second~~ Monday in *Decr.* A. D. 1851., *20* 76th year of American Independence.

J. P. Black, Clerk

NO. _____

State of Tennessee
VS. { SUBPOENA.

Emily Winer, Bricke

Issued 31st Day of Jan'y 1852.

Came to hand and
executed on the
5th of Feb'y 1852
on B. W. Williamson
~~D. W. Williamson~~
~~James D. Williamson~~
~~and he is gone up~~
~~to Nashville~~
W. W. Shelton Supp

I hereby Depose
B. W. Williamson
to execute this
Subpoena on J. W.
Winer 5th
of Feb'y 1852
W. W. Shelton Supp
executed on
Subpoena for
B. W. Williamson
20th

1- 84- L. W. Winger }
1- 85- B. Williamson }