

State }
Case }

No 8

3^d Circuit
Blount County

Transcript of Record from the Circuit Court
Marionville
The State

^{vs}
A. & A. J. Taylor - Malicious Mischief

Received & filed Sept. 3^d 1861



Sec. 1668-71

465-7-5-8.

Transcript
The State
vs
A. & J. Taylor

State of Tennessee

Be it remembered that at a Circuit Court opened & held for Blount County at the Court House in Maryville on the 4th Monday viz the 26th day of September in the Year of our Lord One thousand Eight hundred & fifty-nine & holden by Hon George Brown Judge of the 3rd Judicial Circuit of Tennessee

Caption

W & Hutton Sheriff of Blount County returned into Court a Writ of *habeas facias* in the words and figures following viz

State of Tennessee, County Court Same
Blount County } Term 1859

Ordered by the Court that the following persons be appointed as Jurors to attend at the next Term of the Circuit Court for Blount County to be held at the Court House in Maryville on the 4th Monday of September next viz from 1st Dist. W Howard

2 " W K Shaddan

3 " James Matthews

4 " Hester^{ly} Kizer

5th W James & F A Jones

6 J W Wallace & E A Cawood

7 A J Wilson & Caleb Best

- 8th Dist. W. H. Anderson & N. B. McLean
- 9 " M. Eagleton & S. D. Wear
- 10 " H. Foster & A. M. Atlock
- 11 " M. Wright & J. W. George
- 12 " C. M. Gillespy & R. P. Chandler
- 13 " M. Boyd
- 14 " Josias Gamble of A. B.
- 16 " D. D. Foute
- 15 " D. H. Emmett
- 17 " James Anderson

And that S. W. Forrester Constable from the 13th District be appointed to wait on the Grand Jury & J. R. Johnson to wait on the Court

Copy attest

J. C. McCoy Clerk
By W. Walker D.C.

Monday 26th Sept^r 1859

Endorsed Venire facias to Sept Term 1859 Iss^d June 4th 1859

Executed in full and returned this 23 September 1859 W. L. Hutton Shiff

All of whom appeared in open Court except D. D. Foute, E. A. Cawood & S. D. Wear & out of whom the following were chosen a grand inquest for Blount County viz W. H. Anderson who is by the Court appointed fore-

-man thereof this follows A. J. Wib-

-man thereof this fellows A J Wil-
 -son, Caleb Best, O K Sheddan, E
 Kizer, D H Emmett, F A Jones, W H
 Wright, O M Gillespy, Alex Eagleton,
 J A Anderson, Josias Gamble of A B
 & R J Chandler who being duly elec-
 -ted impaneled sworn & charged
 to enquire for the body of the County
 of Blount retired to consider of their
 presentments

Tuesday 27th Sept 1859

The State vs M Mis

Bill returned - Came the Grand Jury
 A & J Taylor into open Court returned
 -ed a Bill of Indictment against
 Defendants for Malicious Mischief
 Endorsed True Bill W H Anderson
 Foreman of the Grand Jury

Bill State of Tennessee, Circuit Court
 Blount County } September Term
 in the Year eighteen hundred & fifty nine
 The Grand Jurors for the State of
 Tennessee being duly summoned ~~sworn~~
 elected impaneled sworn & charged
 to enquire for the body of the County of
 Blount in the State aforesaid upon

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their oath aforesaid present That Anderson
Taylor late of said County Geoman and
Andrew J Taylor late of said County Geo-
-man, on the first day of September
in the Year of our Lord eighteen hundred
and fifty-nine in said County of
Blount, unlawfully & maliciously did
kill & destroy a Dog, the property of
William Kidd, then & there being found
by them & there shooting the said dog;
to the great damage of the said Wil-
-liam Kidd and against the peace
& dignity of the State

And the jurors aforesaid upon
their oath aforesaid do further pre-
-sent that the said Andrew J Taylor
and Anderson Taylor, on the twentieth
day of August in the Year of our
Lord eighteen hundred and fifty nine
in said County of Blount, unlawful-
-ly and maliciously did injure a
dog, the property of William Kidd
by them and there shooting and wound-
-ing the said dog, to the great damage
of the said William Kidd and against
the peace and dignity of the State

Wm G McAdoo
Attorney General

Endorsed as follows
 963 Indictment The State vs Anderson
 Taylor and Andrew J Taylor Malicious
 Mischeif William Kidd Prosecutor
 William Kidd and Philip Donaldson
 witnesses for the State, sworn in open
 court and sent to the Grand Jury 27th
 September 1859 W A Walker Clerk
 States Witnesses William Kidd, James
 M Kidd, Asa Brook, Robert Houston
 William Thomas Summon the above
 Wm G McAdoo Att: General True Bill
 W. H. Anderson foreman of the Grand Jury

State of Tennessee To the Sheriff
 of Blount County - Greeting
 You are hereby commanded to take
 the body of Anderson & A J Taylor
 & have them before the judge of our
 Circuit Court 1 Tuesday after Fourth
 Monday Jan^y next for the County
 of Blount at the Court House in
 Maryville to answer a charge of the
 State exhibited against them by
 Indictment of Malicious Mischeif
 & have them and there this writ
 Witness W A Walker Clerk of our said
 Court at Office in Maryville the 4th

Endorsed

Lapins

Monday of September 1859

W. Walker Clerk

Endorsed as follows Capias State vs A. & A. J Taylor Iss^d 13th Oct 1859 Come to hand 25 Oct 1859 W. S. Hutton Shiff Executed by taking Bail Bond this 21st Dec 1859 John Clark Dep Shiff

Bail Bond

State of Tennessee Blount County We A. S. Taylor & A. H. Taylor and James Jeffries & J. E. Palmer acknowledge ourselves indebted to the State of Tennessee as follows the said A. S. Taylor & A. H. Taylor in the sum of Five hundred Dollars & the said James Jeffries & J. E. Palmer in the sum of Two hundred & fifty Dollars each to be void if the said A. S. Taylor & A. H. Taylor shall appear before the Judge of the Circuit Court at the Court House in Maryville Blount County on the first Tuesday after the fourth Monday of Jan^y next to answer the State of Tennessee on a charge of Malicious Mischief by Indictment and abide by such sentence as shall be pronounced by said Court in the premises or surrender himself into custody and not depart without

leave of the Court This 21st day of

Leave of the Court This 21st day of
December 1854

John Clark
Dep Shiff

W S Taylor *(Seal)*
A J Taylor *(Seal)*
James Jeffreys *(Seal)*
James E Palmer *(Seal)*

Monday 23rd Jan^y 1860

The State vs Nois

Cont

A & A J Taylor } By Consent this cause
is continued till
next Court

Thursday 31 May 1860

The State vs Nois

Recogn

A & A J Taylor } This cause is continued
as on affidavit of the
Att^y Gen^l & came the Def^ts W D Mc Guiley
& L W Forrester & acknowledged themselves
to owe & be indebted to the State of Ten-
nessee in the sum of Two hundred
& fifty Dollars each But to be void
if the said defendants shall well
truly make their personal appear-
-ance before the Judge of our next
Circuit Court at the Court House in
Maryville on the first Tuesday after
the fourth Monday of Sept^r next and

answer said charge and not depart
the court without leave

See Page 29
previously omitted *

State of Tennessee

Caption

But remembered that at a Circuit
Court opened & held for Blount
County at the Court House in Mary-
ville on the fourth Monday of Jan^{ry}
viz the 28th day of January in the
Year of our Lord One thousand eight
hundred & Sixty one & holden by Hon
George Brown Judge of the Third
Judicial Circuit of the State of Ten-
-nessee

W^m Hutton Sheriff of Blount County
returned into Court a Writ of Venire
facias which was in the words and
figures following viz

State of Tennessee County Court
Blount County } October Term 1860

Ordered by the Court that the follow-
-ing persons be appointed as Jurors
to attend at the next Term of the Cir-
-cuit Court for Blount County to be
held at the Court House in Maryville
on the fourth Monday of Jan^{ry} next

- 1st Dis^t Sam^l Tulloch Jas T Saffell
- 2 " W^m Bayles W^m Connor

- 3 Dis^l H Thompson J B Greenway
- 4 " S Matthews J B Boring
- 5 " W M Brickell W J Johnson
- 6 " M M Teer J H C Carruthers
- 7 " S C Hinton
- 8 " Moses McConnell
- 9 " William Wallace
- 10 " J B Brown
- 11 " H T Sincumfelter
- 12 " B F Duncan J H Hook
- 13 " J A Mculloch W H Cunningham
- 14 " John Gamble, Alf^r Seaton
- 15 " D W Emmett Geo Calor
- 16 " O Semons J R Cooper
- 17 " D Spradling W^m Donley

July

And that W B Bingham Const^y
 1st District be appointed to wait
 on the Grand Jury & J R Johnson
 to wait on the Court

J C McCoy clerk
 Copy Attest By W A Walker D.C.

Endorsed thereon as follows
 Venura Yacias Jan^y Term 1861 vis^u
 Oct^r 30th 1860 Executed in full this
 24th Jan^y 1861 W S Hutton Sheriff

All of whom appeared in open Court
 except W^m J Johnson & Jⁿ Gamble
 & out of whom the following were

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chosen a Grand Inquest for Blount
County to wit W^m M^r Brickell who is
appointed by the Court foreman &
his fellows as follows viz

2 George Calor 3 D Spradlin 4 Sam^l
Tulloch 5 W^m Donley, 6 J^r Saffell
7 H Boring, 8 W^m B Cunningham,
9 W^m Connor 10 H^r Sincumfelter
11 A Beaton, 12 S Matthews, 13 D S C
Emmett

Who being duly elected, empaneled
sworn and charged well and truly
to enquire for the body of the County
of Blount retired to consider of their
presentments

Tuesday 24th Jan^y 1861

The State

vs
M^r Mis^r

issue
joined

Came the Attorney Gen^l
A & A J Taylor for the State as well as
the defendants in proper persons who
being charged in the Indictment
against them for plea thereto says
they are not guilty and for trial
puts themselves upon the Country and
the Attorney General doth the like
Thereupon came the following jury
of good & lawful men Citizens of Blount

County viz S D Cochran, Sebow Davis

Jury

County viz S D Cochran, Sebou Davis
 James Dearmond, John Blair,
 Sifus Hunter, W C Bashion, J W
 Anderson, Jacob Murr, J C Clark
 Benyamie Ore, John Colter and Elijah
 Nelson who being elected empaneled
 and sworn well and truly to try
 the issue joined upon their oath
 do say they have not agreed and
 by consent the jury are respited
 until tomorrow morning

Wednesday 30th Jan^y 1861

The State vs Mc Mis

Came the Att^o General
 A A Taylor for the State as well as
 Defendants in proper person & also
 came the same Jury viz S D Baughorn
 Sebou Davis, James Dearmond, Jⁿ
 Blair, Sifus Hunter, W C Bashion,
 J W Anderson, Jac Murr, J C Clark,
 Beny^m Ore, Jⁿ Colter, & Elijah Nelson
 Who on yesterday were duly elected
 empanelled sworn & charged well
 to try the ~~matter~~ ^{matter} in issue in this case &
 from rendering their verdict were
 respited until to day. And the
 Jurors aforesaid on their oaths

Jury

Verdict
 motion
 entered
 overruled

aforesaid do say that the defendants are guilty in manner & form as charged in the indictment. Whereupon the Defendants by Attorney enters a motion for a new trial, which on argument is overruled

Judgt

Thereupon it is ordered by the Court that the Defendant for such their offence pay a fine of Ten Dollars jointly and all costs in this behalf expended and be imprisoned one hour in the County Jail of the County and remain in custody until the same is paid or secured

Thursday 31 Jan^{ry} 1861

The State vs Mc Mis

Secy

vs } Came the Attorney Gen^l
 A & J Taylor } for the State as well as
 Defendants in proper persons & came
 Sam^l Pickens and confessed Judge-
 ment jointly with defendants
 for the Fine and Costs assessed against
 them at the present Term & agrees
 that executions may issue ^{against} him &
 Defendants for the same which is
 ordered accordingly

Thereupon Defendants by Attorney

prayed an appeal from the Judge-
 App^l - ment in this case to the next Term
 prayed of the Supreme Court to be held at
 the Court House in Knoxville on the
 2nd Monday of September next and
 tendered their Bill of Exceptions
 which is signed sealed & ordered
 to be made a part of the record of
 this case & to them said appeal is
 Granted granted & ordered that Defendants
 enter into Recognisance with ap-
 - proved Security for their appearance
 at the next Jan^y Term of this
 Court & to abide by & perform the
 Judgment of the Supreme Court in
 the premises

Whereupon came Defendants &
 with them came Sam^l Pickens their
 Security & acknowledged themselves
 indebted to the State of Tennessee
 R^e cogn in the sum of Two hundred and
 fifty Dollars each to be levied of
 their goods & chattels, Lands & Ten-
 - uments. But to be void if Defendants
 shall well & truly make their personal
 appearance before the Judge of our
 next Jan^y Term of this Court to be
 held at the Court House in Maryville

on the 4th Monday of January next
& abide by & perform the Judgment
of the Supreme Court in the premi-
-ses & not depart the Court without
leave

Bill of Exceptions

The State of Tennessee

vs } Malicious Mischief
Ab Taylor & A J Taylor }

Bill
Ex 3

Be it remembered that on the 29th
day of January 1861 at a Circuit
Court held for the County of Blount
at the Court House in Maryville the Hon
George Brown Judge presiding and a
jury of Blount County, the following
proceedings were had.

The Attorney General for the State read
the following Bill of Indictment

State of Tennessee

Blount County } Circuit Court
September Term in the year Eight-
-een hundred and fifty nine

Bill

The Grand Jurors for the State of Ten-
-nessee being duly summoned, elected,
empaneled, sworn and charged
to enquire for the body of the County
of Blount in the State aforesaid upon
their oath aforesaid present. That

Anderson Taylor late of said County

Anderson Taylor late of said County
 Yeoman, and Andrew J Taylor late
 of said County Yeoman, on the first
 day of September in the Year of
 our Lord eighteen hundred and
 fifty-nine in said County of Blount
 unlawfully and maliciously did
 kill and destroy a dog; the property
 of William Kidd, then and there being found by
 them and there shooting the said dog
 to the great damage of the said William
 Kidd and against the peace and dig-
 -nity of the State.

Bill

And the Jurors aforesaid upon their
 oath aforesaid do further present
 That the said Andrew J Taylor and
 Anderson Taylor, on the twentieth day
 of August in the Year of our Lord
 eighteen hundred and fifty-nine,
 in said County of Blount, unlawfully
 and maliciously did injure a
 dog, the property of William Kidd
 by then and there shooting and
 wounding the said Dog, to the great
 damage of the said William Kidd
 and against the peace and dignity
 of the State

Wm G McAdoo

Attorney General

Endorsed as follows

963 Indictment The State vs Anderson
Taylor and Andrew J Taylor Malicious
Mischief William Kidd Prosecutor
William Kidd and Philip Donaldson,
Witnesses for the State, Sworn in open
Court and sent to the Grand Jury 27th
September 1859

W A Walker Clerk

Stated Witnesses

William Kidd, James McKidd, Asa Brooks,
Robert Houston, William Thomas,
Summon the above Wm G McAdoo
Att^y General

True Bill Wm H

Anderson Foreman of the Grand Jury

To which the defendants pleaded not
guilty and thereupon the State intro-
duced William Kidd as a Witness who
testified as follows = Witness was
sitting in his porch one day and his
little dog was lying asleep in the edge
of the porch by the side of his little
orphan girl and A J Taylor came
riding by and just as he got oppo-
-site the fence, he turned his horse

W. Kidd
testimony

towards the porch and put his hand up to his breast like as if he was going to draw a pistol - Witness then said Taylor I would be ashamed if I was in your place - Taylor then rode on and didn't say anything - The fire did not run out at him at all

W. Kidd came along walking leading a Horse & a dog - Witness was over in the meadow opposite the House - The first thing Witness knew he heard the report of a pistol and it was right in front of the House - Witness looked around & saw that Taylor had shot at the dog - the dog was right in front of the House in the big road - Witness run to the House to get his gun to shoot Taylor and was prevented by the door being shut - Witness again shamed Taylor - Taylor as soon as he shot went on and said nothing - He shot the dog that time and made a skar on his shoulder - about four or five days after that the dog was killed while Witness was from home - Knows nothing of his own knowledge about the killing - The skar on his shoulder had got nearly well

X The dog was a very small dog and worth about fifty or sixty dollars - There was a bad state of feeling existing between Witness and defendants - They never did anything to witness or said anything about him that he knows of - But witness didn't know which was the meanest of the two, except that one was a smarter rascal than the other. Witness hated them both in his heart. Defendants and Witness did not speak when they passed each other - that a bad state of feelings has existed between witness and defendants for some time about other matters - but witness did not state what it was about and that there had been no quarrel

Cross Examination

The first time A J Taylor passed, the dog was sleeping in the porch and didn't run out or bark at Taylor - didn't run up like he was going to bite defendants horses heels - was laying in the porch - Defendant turned his horse towards the horse and put his hand up to his breast like he was going to draw a pistol - did not draw one - said nothing when Witness

Spoke to him - The dog was not noisy

spoke to him - The dog was not noisy and in the habit of running out and barking at people - was very quiet little thing

J.M. Kidd was laying in bed in the room in the porch one morning after day light about half asleep and the report of a pistol waked him up - he run out and just as witness got to the door defendant A.S. Taylor was passing the big road, which runs past the house about ten feet from it - was just passing the front of the house when I saw him & saw the fice lying in the big road very nearly dead - he was shot witness then said "Doctor Taylor you ought to be ashamed of yourself for shooting a little dog"

Cross Examination

Is a son of the prosecutor
Philip Donaldson

Philip Donaldson next Witness testifies, that Dr A S Taylor came to his house the same evening after the fice was killed to see a sick man. Witness asked for the news Taylor said he had none except that he killed Kidds fice that morning

- that it ran out and snapped at his horse's heels and like to have made him throw him and as soon as he got his horse checked up he shot him. He also stated that he couldn't always be annoyed with the fice; that he was always running out annoying him and others - that he often had to pass that road and he intended to pass whenever his business called him and he was not ^{going} always to be annoyed by Kidd's dog.

Cross Examination

The dog of Kidd's that was killed was a noisy fellow and in the habit of running at folks passing.

Witness was rather blind - couldn't see well and whenever he had to pass there he was in the habit of clearing up his throat and making a noise so that the family might know he was coming and keep the dogs off - The dog was a rather big fice - pretty heavy kind of a fellow.

Mr Thomas, William Thomas next Witness for State testified

That A J Taylor was at his house waiting on a child - In conversation

all of which Witness did not remember defendant stated that he had shot at or shot Kidd's fice that day Witness didn't remember well what was said but was under the impression that Taylor said he made it convenient to pass that way to kill Kidd's fice

Cross Examination

Witness didn't remember whether Defendant had said that the fice had snapped at his horse's heels he might have said it - Witness wasn't certain, but he thought that Taylor had said "he had made it convenient to go that way to kill the dog"

- Here the State rested the case for the present

T. Keller Thomas Keller Witness for the defendant, testified - That he was chopping wood at Kidd's in the big road in front of the house when A. J. Taylor passed there - Kidd was sitting in the porch and the fice and big dog were lying in the big road by the side of the fence As Taylor passed the dogs jumped up - the little dog first and made at Taylor - the fice jumped round like

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it was going to bite the horses heels
just as he did that Taylor turned his
horses head away from the house and
put his hand up like he was going to
pull out a pistol - but did not as
Witness seen the fice then broke back
towards the gate Kidd and no one
else hollered at the dogs to keep them
off - Taylor then rode off - Kidd hol-
lared at him and cursed him and
told him if he shot his dog he would
shoot him through the body, Taylor said
he would shoot his dog if he didn't
keep him inside of the fence.

Witness lived and worked at Kidds
one summer and the dogs were in
the habit of running out at folks
and the family were sometimes in
the habit of hissing them on folks
They had one large yellow dog - and
the fice was a pretty big bench legged
fice - sorty between a dog and a fice

Cross Examination

Witness not mad at Kidd no bad
feeling between them - Couldn't tell ~~how~~
exactly how high the dog or how large
the dog was maybe 8 or 10 inches high
didn't know exactly - was a good

sized fice - heavy set

sized fice - heavy set

Andrew Brook for defendant's

A. Brook,

Was at Kidd's when A. J. Taylor shot the fice - was in the meadow with Kidd - heard a pistol fire and looked and saw Taylor some fifteen steps from gate in front of house in big road couldn't see plain for the fence - saw the dog running towards the house after the shot from towards where Taylor was - Kidd made a rush to the house to get his gun but was prevented by some person shutting the door Taylor kept moving on and said nothing that witness heard The next witness saw of the dog Kidd's wife was bringing it out of the house The dog was a tolerable large bench legged fice and very troublesome about running out at people

Cross Examination

And

Delozier

Andrew Delozier for defendant Was acquainted with the character of Kidd's fice - was a troublesome dog was in the habit of running out at people as they passed witness was passing there one day walking and

both dogs run out at him, The small dog run round behind him and gave him a pretty severe bite and then run off. The dogs came ^{running} up meeting Witness and the fice run round and bit him on the leg behind

Cross Examination

The bite was a pretty bad bite No bad feelings between Witness and Kidd

Isaac Burnett testifies

J. Burnett

Was living at Kidds when the fice was first brought there - it was small then but growed to be a tolerably sized dogs

The family was in the habit of hissing it in folks and got it spoiled - It got to be troublesome about running out at folks. He was passing there in the night and the dogs came out at him and somebody at the house hissed it on him

Cross Examination

It was early in the night when witness was passing there and was on his way to Dr Taylor to get him to go down to see one of his children

Phillip Davis

Is acquainted with the character

of the dog in controversy - was a trouble-
 -some dog - He and his Wife were pas-
 -sing there one day - The dogs were in
 the field some distance from the house
 and as soon as they saw Witness they
 came rushing to the road and the lit-
 -tle dog got over or through the fence
 and run round his Wife's horse
 scared him and made him throw
 her

Cross Examination

L. Vinyard and Siney Vinyard, testified

Was acquainted with the character
 of Kidd's dogs - Knew them to be bad
 about running out at people as they
 passed. He was going by there one
 day, and fearing he might be attack-
 -ed by the dogs prepared himself with
 a stick or club. When he got about
 three hundred yards from the house
 he saw the dogs in the big road, where a
 Wagon and some men were - the
 dogs discovered him and broke at
 him and came on towards him un-
 -til they met - The big dogs came up
 in front and the five run round
 behind. Witness knocked the little
 dog down and they then run off

Kidd was standing in the road and said nothing to the dogs and did not try to keep them back. As soon as Witness struck the little dog he heard Kidd say "that's good" Where the dogs met him was between two and three hundred ~~hundred~~ yards from the house

Cross Examination

Witness has no bad feelings towards Kidd - They had had a difficulty some years ago, but at that time they were friendly so far as Witness knew

The fice was a large bench legged fice could hardly be called a fice - was a bad dog - had that character

F. May's

Fleming Mays testifies

That he was at Kidds one day and a boy was passing there and he saw the fice run out and run round like he was going to try to bite him

Cross Examination

H. Bogle

The State then introduced

Hugh Bogle who testifies

That he was in the habit of frequently riding by Kidd - that he knew nothing about the dogs, didn't know that Kidd had any dogs

Dr Jefferson Stone was Kidd's

Family Physician - was frequently

Family Physician - was frequently there - thought his dog a moral dog was never interrupted by them Has been there at night and by day and at all times - Some times when he would go in the Yee would raise his bristles and shew his teeth - The little girl would sometimes tell the dog to shew his teeth and he would do it

R. Hanston Robert Houston next Witness for the State testifies

That he was acquainted with the dog in controversy - was a noisy, troublesome dog - was in the habit of interrupting people as they passed - on one occasion as he was passing he run out and snapped at his horse's heels.

¶ This was all the evidence The defendants Counsel among other things in argument insisted that if the evidence showed the dog was a nuisance, or in the habit of attempting Travellers upon the public high way any one whom he should thus annoy would be justifiable in killing him - and would be guilty of no


offence" - But the Court was not request-
 -ed to charge on this proposition. The Court
 The Court read to the Jury the ^{charged the Jury as follows.} #4657
 of the Section of the Code of Tennes-

Charge

-see as the section upon which this
 -dictment is predicated as insis-
 -ted by the Attorney General. The Court
 instructed the Jury that in order to
 make out the offense charged: It
 was necessary that the State show
 that the defendants had malice at
 the prosecutor William Kidd and
 further more that they killed or in-
 -jured the dog for the purpose of
 gratifying their malice at Kidd

If the jury should believe from the
 evidence that the defendants had
 malice at Kidd but were not actua-
 -ted from this malice in killing
 the dog but acted from the provoca-
 -tion received from the dog in that
 event the defendants would not be
 guilty and it would be the duty of
 the Jury to acquit them

The defendants Counsel excepts to
 the action of the Court in refusing a new
 trial and to the charge of the Court
 And tenders this their Bill of excep-

tions which is signed, sealed and or-
 -dered to be made a part of the record
 Geo Brown 
 Judge &c

25th September 1860

Hon Geo Brown presiding
 this Entry omitted at proper place see folio
 The State vs

Defendants by attorney en-
 ters a motion to Quash ^{the} Indict-
 -ment = Came on the motion to Quash
 the Indictment in this case to be considered
 and on argument. It is ordered that the
 same be overruled. And thereupon this
 cause is continued as on affidavit of the
 defendants. And came the defendants
 and Sam^r Pickens their security and ac-
 -knowledged themselves indebted to the
 State of Tennessee in the sum of Two
 hundred and Fifty Dollars each.

But to be void if the said Defendants
 shall well and truly make their per-
 -sonal appearance before the Judge
 of our next Circuit Court at the Court
 House in Maryville on the first Tuesday
 after the 4th Monday of Jan^y next and
 answer said Charge and not depart

Motion
 To
 quash
 omitted

overruled

Recogn

31
the Court without leave

~~Sum of \$5000~~
~~to be paid~~

\$424.00 On Day after that we of either of us
promise to pay A. J. McHadden four
hundred and twenty four dollars in gold
for Value received of him
this 24th March 1861

Seal
Seal
Seal

Bill • least

Tax ~ 200

1 Bill Wacker Indict 25	1 Motion 25 = .50	
1 Order thereon 25	1 Motion for new trial 25	.50
1 Order thereon 25	2 other orders 25	1.75
3 Conts 25 = 3	Recognizans 25	1.50
Defts plead 25	25 Subpoenas 10	2.75
1 Capias 75	1 Return filed 25	1.00
1 Entry of Record 25		25
1 order to give security		25
1 - Granting Appeal		25
Judgt 75	Bill least 50	1.25
3 probate 20	Jury 10	2.00
100 postage on process		.56
Transcript 6000 words 10		6.01
Cent & Seal		.50
4 Deverets 10		1.00
		<u>\$17.97</u>

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Amt Brought over

1997

Amt Broat over		1997
Shff Fulton july 15 5 Witnesses 25		1,400
" Clarke Arrest 21 200 Bail Bond 25-225		
10 Witnesses 25		<u>250</u> 4,75
" J. B. Brown 1 Witness		25
Witnesses Li. Vineyard 1 day 75 + 5 day 21		5,75
" As Burnet 1 " " 5 " "		5,75
" Philip Davis 1 " " 4 " "		4,75
" Thos Keller 1 " " 6 " " 63 miles 4		9,27
" P. Donaldson 1 " " 4 " "		4,75
" R. Houston 1 " " 3 " "		3,75
" Alex Boggs 1 " " 6 " " 57 " 4		8,79
" P. Houser	4 " "	4,00
" J. Stone	6 " "	6,00
" Jane Davis	2 " "	2,00
" Ed. Delozier	7 " " 152 " 4	73.08
" N. R. Brooks	4 " "	4,00
" W. Alderark	1 " " 29 " 4	2,06
" J. M. Kid D 1 " " 6 " "		6,75
" W. M. Thomas	3 " " 60 " 4	5,40
Atto. McDoo + Alexander		<u>5,00</u>
		\$117,57
Fine		<u>10,00</u>
		\$127,57

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State of Tennessee I certify
Blount County that the
foregoing is a true full & perfect
transcript of the record & proceedings
had in the case specified therein
as appears from the record &
original papers now on file in
my office



Witness my hand &
official seal at office
in Maryville this 16
Aug 1861

W. A. Walker
clerk
Circuit Court
Blount County

State }
Case }

No 8

3^d Circuit
Blount County

Transcript of Record from the Circuit Court
Marquette
The State

^{vs}
A. & A. J. Taylor. - Malicious Mischief

Received & filed Sept. 3^d 1861



Sec. 1668-71

4657-58

Transcript
The State
vs
A. & J. Taylor