

The State of Alabama } To His Excellency, Andrew
County of Pike } B. Moore, Governor of the State.

The Petition of the Undersigned respectfully represents to
Your Excellency, that at the Fall Term A.D. 1855, of
the Circuit Court for said County, a Bill of Indictment was
preferred against one Giles Berry, for an Assault upon
one William Baylor, with intent to murder him; that soon
after the adjournment of said term, the said Berry
was arrested upon Capias for an Assault & Battery, issued
upon said indictment for Assault with intent to murder,
by mistake of the Clerk; that upon his said arrest, the
said Berry, entered into Bond, with Thomas H. Childrie
as his security, to show, for his appearance to answer to an
indictment for an Assault & Battery, at the Spring Term 1856,
of said Court, which bond was in the sum of Three Hundred
Dollars, & was approved by Martin M. Nace, then Sheriff of
said County;

That the Case of the State v. Said Berry, upon said
Indictment, was not called for trial, until the Spring Term of
said Court for the year 1857, when, the Defendant not
appearing, a perpetuam was taken against him & the said
Thomas H. Childrie, as his security on his bond aforesaid;
for the full amount of the bond.
That Seer facias regularly issued to the said Childrie,
as well as Defendant, to appear at Fall Term 1857, to
show cause, why the judgment visi should not be made
final; which was served on said Childrie alone; that at said
Fall Term 1857, said Childrie attended the first week of
the Court & went home, expecting to attend the second week,
& show good cause why said judgment should not be made final;

That said Childrie was taken suddenly & dangerously ill, & his friends, being ignorant of the pending case against him, no exceptions were taken to the action of the Court in making the judgment final; which was done at that time.

That the Counsel who were regularly employed to defend in the case of Berry, represented to the Court the injustices of making the judgment final & excepted to its rulings. Thereupon immediately wrote to said Childrie to come down & see about the matter, which letter did not reach him until it was too late to do anything, on account of the adjournment of the Court - & consequently the Counsel for Berry, whom Childrie had intended to employ, not hearing any answer to their note, did not feel at liberty to have their exceptions written out & signed as Childrie had not employed them.

Your Petitioners further represent to your Excellency that there was no case pending against said Berry, in said Court, at the time of the execution of said bond, for an assault & Battery merely; that said Berry, at the Spring Term 1857, was not called to answer to an indictment for an assault & battery upon William Caylor, but to an indictment for an assault upon William Caylor with the intent to murder him; that there was no other indictment but the last mentioned one pending in said Court against said Berry, either at the time said bond was executed, or at Spring or Fall Term of said Court for the year 1857; that said Childrie, at the time said bond was made, signed it up on the express understanding that Defendant was to appear to answer to an indictment for an assault & Battery merely, & could not be held to answer, beyond his contract, for Defendant.

and appearance to a ~~man~~ to a different & far more
serious offense, of which he had heard & then knew & could
know nothing -

Petitioners further represent that the bond given, if held
to apply to a case of Absence with intent to Murder, was void,
because approved by an officer who had no authority to approve it,
the offense being a felony by Statute -

Petitioners further represent that said Berry, through the
influence of said Childs & other friends, appeared for trial upon
the indictment for absence with intent to murder, at the Spring
Term 1858, of said Court, where the cause was continued; that he
has since appeared at Fall Term 1858, been tried there and
convicted of an absence ~~and battery~~ & fined sixty dollars, for
the payment of which and the costs he has given the most un-
doubted security -

Petitioners respectfully suggest to your Excellency the pro-
priety of remitting, on account of said Childs, all but the costs, es-
pecially as we know him to be a very poor man, entirely dependent
upon his own exertions for support ^{of a family}, that he will be ruined by the
payment of said judgment & that the State will suffer no loss
by its remission - Your Excellency will perceive that said Childs
has just cause to complain of a judgment against him about a matter
relative to which he made no contract & that he could have successfully
defended the same; that he was prevented from defending the
same by a dispensation of Providence, which cuts him off from
all hope of relief except through Executive interposition -

Petitioners hope your Excellency will regard the matter in
the same light & they will ever pray &c -

Respectfully

M. S. Redmond

J. G. Brooks

W. B. Lacey

L. N. Brooks	1	Willis Metley	31
L. M. Gatter	2	Jackson Cowart	32
A. Stansland	3	J. W. Anderson	33
Wm. P. Evans	4	Ransom Hunt	34
Bumell Hernand	5	James M. Steele	35
W. R. Head	6	James H. Jordan	36
J. P. French	7	Brithan Lane	37
E. O. Brooks	8	W. H. Speer	38
Duncan Downing	9	B. J. G. G. G.	39
W. M. Murphy	10	James M. French	40
M. A. Martin	11	Isaac M. Hader	41
P. B. Bickelstaff	12	Stephen Rogers	42
Wm. A. Will	13	James S. Bonner	43
D. L. O. O.	14	Edgar S. Haley	44
W. R. Leggett	15	A. J. G. G.	45
	16	John Stewart	46
J. A. Head	17	W. J. G. G.	47
James N. Sweet	18	J. P. G. G.	48
W. J. Stewart	19	J. P. G. G.	49
Felix Starnes	20	Wm. Moody	50
J. K. Murphy	21	S. W. Stewart	51
A. H. Foster	22	G. M. M. M.	52
A. N. Green	23	W. E. E. E.	53
A. H. L. Head	24	Daniel J. Amos	54
B. G. Landrum	25	Martin M. Hall	55
L. J. Sellers	26	R. H. Johnson	56
J. D. Davis	27	Stephen Coward	57
Darling Pitman	28	S. Beenger	58
Wm. Lone	29	William Hinson	59
C. A. Wilchel	30		

G. M. Hillsgom	60	James M. Gibson	70
David White	61	Samuel Crosby	91
G. S. Henderson	62	James Stanley	92
John Key	63	Stephen L. Wynne	93
J. P. Brooks	64	Isaac Jones	94
W. B. Albro	65	E. Spivey	95
James Bright	66	J. H. Linright	96
Robert Pryor	67	Edmund Grailey	97
John Watson	68	G. A. Bernia	98
William Carter	69	Benjamin A. Bowers	99
Louis Harrell	70	Wm. A. Rollo	100
G. S. Hightower	71	J. V. Rollo	101
Lauren Chase	72	W. B. Kyle	102
Nathaniel Fowler	73	J. L. Wyatt	103
Miss Catlett	74	James Shreeley	104
J. B. Wynne	75	Thomas Catlett	105
Calvin Carr	76	Isaac Carr	106
S. J. Powell	77	Dennis Rodgers	107
Wm. J. H. H.	78	Wm. C. Brooks	108
A. B. West	79	John Catlett	109
J. M. Owens	80	C. G. Wyatt	110
W. P. Part	81	Richard Parker	111
R. A. Redmon	82	Sam M. Adams	112
James M. Burgess	83	Wm. M. Byrde	113
John R. Wilson	84	S. C. Chancy	114
W. M. Hill	85	Lamar Bostight	115
W. H. Cusley	86	John C. Carter	116
W. M. Parish	87	Robert Lury	117
Sam. J. Lord	88	Isaac Whalley	118
A. Gainer	89	J. B. Hutcheson	119

Thos. H. Childs
Petition to Governor

Not Granted

