

1

To His Excellency A.B. Moore Governor of the State of Alabama

1 The undersigned Nicholas Hudson and Henry W. Wood Citizens of Blount County in the State of Alabama sheweth unto your Excellency that sometime prior to the September Term 1857 of the Circuit Court of Marshall County Alabama they became bound to the State of Alabama in the sum of two hundred dollars as the securities of one Dorcas Harbison of Blount County and for her appearance at the Circuit Court of said County of Marshall as a witness to testify in a certain cause in said Court pending wherein the State of Alabama was Plaintiff, and James Carver, James C. Cornwell, Alexander Jordan, David Jordan and others were defendants - on behalf of the said State. -

2 Your Petitioners state that at the said Fall term of said Court the said Dorcas Harbison was sick and utterly unable to attend the Court and on a day of said term to wit on the 17th day of September 1857 a forfeiture was taken on said Bond and judgment nisi rendered against

the said Dorcas Harbison and the undersigned for the amount of their said Bond -

3 Your Petitioners further state that Scire facias was issued on said judgment and executed on them. And that at the next term of said Court to wit the March Term 1858 the said Dorcas appeared as well to testify in said case as also to render an excuse for failing to appear at the Fall Term 1857: but unfortunately the Judge of said Circuit then holding said Court the Hon Smith D. Heale, was taken sick while holding the Court and was compelled to leave before the day appointed by law for the taking up & trial of the cases on the Criminal Docket; and thus no opportunity was afforded to the said Dorcas to render her excuse at that term for her non-attendance at the preceding term.

4 Your Petitioners further state that ~~at~~ the Fall term 1858 of said Court to wit on the 15th day of September 1858 the said Dorcas Harbison appeared at said Court and made her excuse for her failure to attend at the fall Term 1857 aforesaid which was

accepted by the said Court as a good and valid excuse - and ~~she was~~ the forfeiture taken against her was set aside and she discharged therefrom: While strange to say the judgment against her sureties - your Petitioners - was confirmed and made absolute. Your Petitioners believe that the only solution of this action is - that the Judge must have thought that the undersigned defendants in the *Scire facias* were also defaulting witnesses. -

5 Your Petitioners fully believed that they were discharged from their liability in the case at the same time with their principal and knew not to the contrary until the execution was placed in the hands of the Sheriff of Belmont County, and the same is now about to be levied on the property of your Petitioners.

6 Your Petitioners respectfully pray that the said forfeiture may be remitted against them and they discharged from the judgment rendered, as they have been in no default

nor has their principal except
by her sickness -

They respectfully submit
their own affidavits and the
affidavits of others in support
of this petition, and as in
duty bound will ever pray &c

Nicholas Hudson
Henry W Nood

The State of Alabama Blount County
Personally appeared before me
George Johnson a Justice of the
Peace in & for said County & State
Nicholas Hudson & Henry W. Nood
of said County who being duly
sworn state on oath that the
forgoing petition & the facts stated
therein are true & correct
sworn to & subscribed
before me this 11th } Nick Hudson
day of December 1858 } Henry W Nood

George Johnson
Justice of the Peace
for Blount County

State of Alabama Blount County
 Personally appeared before
 me George Johnson a Justice of
 the Peace in & for said County
 & State Dorcas Harrison of
 said County who being first
 duly sworn states on oath
 that the statements of the
 foregoing petition of Nicholas
 Hudson and Henry N. Wood
 (which I have carefully read
 over to her), are correct & true
 Sworn to & subscribed
 before me this 11th
 day of December 1858 } Dorcas Harrison
 made

George Johnson
 Justice of the Peace
 of Blount County

State of Alabama Blount County
 Personally appeared before me George
 Johnson a Justice of the Peace for Blount
 County Alabama Arana Sively and
 John N. King of said County who
 being duly sworn states on oath that
 Dorcas Harrison of said County was
 sick at the time of the September Term
 1857 of Marshall's Circuit Court
 & unable to attend said Court
 Sworn to & subscribed } Arana Sively
 before me this 11th day } John N. King
 of December 1858 }
 George Johnson
 Justice of the Peace

State of Alabama Marshall County
Personally appeared before me
Thomas C. Barclay a Justice of
the Peace for said County and
State Walter P. Macfarlane Clerk
of the Circuit Court of Marshall
County Alabama who being
duly sworn states on oath
that he has read the foregoing
petition of Nicholas Henderson
& Henry W. Wood of Blount
County and that the statements
in said petition ~~is~~ contained
in the paragraphs numbered
1. 3. & 4, and also that part
of paragraph numbered
two which alleges that a
forfeiture was taken in the
case, are true & correct accord-
ing to the best recollection
& knowledge of this official
Sworn to & sub-
scribed before me } W. P. Macfarlane
this 15th day of }
December 1858 }
Thomas C. Barclay }
Justice of the Peace }

Nicholas Hudson

Nicholas Hudson
Henry W. Hood

Blount Co

Petition for
Remission of
Forfeiture

