

Transcript of 1839 November 12: State of Arkansas versus William G.H. Tervault, Indictment for the murder of Noah Burkhead, L.C. Gulley collection, Arkansas State Archives, Little Rock, Arkansas.

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Pleas before the Honorable Charles Caldwell judge of the circuit court within and for the county of Pope in the fifth judicial circuit whereof the said county of Pope was one in the state of Arkansas on the twentieth day of March in the year of our Lord one thousand eight hundred and thirty eight at a term of said circuit court which was began and holden as the court house within and for said county of Pope on Monday the nineteenth day of March in the year aforesaid in the case of the State of Arkansas plaintiff versus William G.H. Tervault deft.

Indictment for murder.

Be it remembered that on the 20th day of March AD 1838 at a Term of said circuit court which was began and holden on Monday the 19th day of March AD 1838 the following entry was made on this records in the above entitled cause On this day the Grand jury came into open court and returned the following Bills of Indictment to wit

State of Arkansas  
vs  
William G.H. Tervault

Indictment for murder  
(which is in words and figures following court)

State of Arkansas  
County of Pope

In the circuit court  
of Pope County began  
and holden on the third Monday

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of March in the year of our  
Lord eighteen hundred + thirty eight

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The Grand jurors of the State of Arkansas being tried, impunitied, sworn, and charged to inquire in and for the county Johnson upon their oaths respectfully do present. That William G.H. Tervault late of the county aforesaid German not having the fear of God before his eyes but being mared and seduced by the instigation of the Devil on the twenty second day of October in the year our Lord one thousand and eight hundred and thirty seven with force and arms as the county aforesaid and within the jurisdiction of this court in and upon one Noah Burkhead in the peace of God and the State of Arkansas, then and there being, feloniously, willfully and of his malice aforethought did make an assault. And that the said Williams G.H. Tervault with a certain knife of the value of one dollar which he the said William G.H. Tervault in his left hand then and there had and held the said Noah Burkhead in and upon the right side of the breast between the ribs of him the said Noah Burkhead then and there feloniously, wilfully and of his malice aforethought did strike and thrust giving to the said Noah Burkhead then and there with the knife aforesaid, in and upon the said right side of the breast between the ribs of him the said Noah Burkhead one mortal wound of the breadth of three inches, and of the depth of six inches

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of which said mortal wound the said

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Noah Burkhead from the said twenty  
Second day of October in the year aforesaid  
Until the said twenty second day of October  
in the year aforesaid, at the county  
aforesaid did languish and languishing  
did live on which said twenty second day  
of October in the year aforesaid, the said  
Noah Burkhead at the county aforesaid  
of the said mortal wound died, and  
So the Jurors aforesaid upon their oaths  
Aforesaid do say that the said William  
G.H. Tervault the said Noah Burkhead  
in manner and form aforesaid feloniously  
Wilfully and of his malice aforethought  
did kill and murder contrary to the form  
of the statute in such case made and  
provided and against the peace and  
dignity of the State of Arkansas, and the  
Jurors aforesaid upon their oaths aforesaid  
Say that this bill of Indictment is  
found upon the testimony of Andrew  
Scott and John Ranson sworn to testify  
before the grand Jury.

J.J. Clendenin  
Attorney for the state in  
the 5<sup>th</sup> judicial circuit

Upon the back of the forgoing indictment  
is endorsed. "A true bill A.J. Bayliss, man fore  
Filed 20th March 1838. J.B. Logan D.C.  
(Be it remembered that on the 3rd day of said  
March term, the following order was entered  
on the records of said Circuit Court.

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This day on motion of the attorney for  
the state, it is ordered by the court that  
Capiases issue upon all bills of indictment  
formed at this Term of the court not  
otherwise disposed of.

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Be it remembered that on this seventeenth day of September at the September Term of said Circuit Court which was began and holden On the seventeenth day of September AD 1838 at the Court House aforesaid, the following order was made in the entitled cause

State of Arkansas  
vs  
William G.H. Tervault  
Indictment for Murder

Now on this day came the state of Arkansas by Clendrium her attorney, and the Sherriff having non est herein. Whereupon on motion of the attorney prosecuting, it is ordered by the court that a plunes Capias issue herein. And that this cause be continued to the next term of this court.

At the April term of the Circuit Court in and for the County of Pope aforesaid in and for the seventh judicial circuit, whereof the said County of Pope is one, in the state aforesaid Which was begun and holden as the court house In said county on the second Monday of April AD 1839. By Richard C.J. Broson judge of the said seventh judicial circuit, the following order was made in the above entitled cause.

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State of Arkansas  
vs  
William G.H. Tervault  
Indictment for Murder

And now on this day came the said State by William A.M. Clein her attorney prosecuting on this behalf and on his motion it is ordered by the court that this

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cause be continued to the next term of this court.

Be it remembered that at the October Term of said circuit court A.D. 1839. The Following order was made by the court in the above entitled cause.

State of Arkansas  
Vs  
William G.H. Tervault  
Indictment for murder

And now on this day came the said State by William A.M. Clenin, her attorney prosecuting in this behalf and on his motion it is ordered by the court that this cause be continued to the next term of the court.

The following is a true copy of the Capias or last process issued in the above entitled cause.

State of Arkansas  
County of Pope

The state of Arkansas as  
To the sheriff of the county of Pope. Greeting  
As we have before commanded you  
We command you, that you take the  
Within named William G.H. Tervault  
If he may be found within your bailiwick  
And him safely keep, so that you have his  
body before the judge of our circuit court.

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Of Pope County at a Court to be holden  
at the Dardanelle in and for the county  
Aforesaid on the second Monday of April  
A.D. 1839. Then and there to answer the  
Within named State of Arkansas.

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to an indictment for Murder and  
Have you then and there this writ.

In testimony whereof, I hereunto set my hand, as Clerk of said  
Circuit Court, and affixed the seal of office, this first day of October  
A.D. 1838

Signed, Josh Ferguson clerk.

Upon the back of said Corpius is

Endorsed the following return of the sheriff.

“Come to hand the 1st of October 1838. The within Wm. G.H. Tervault  
is not formed this fifth day of April 1839

Signed, Sam M Hayes,  
Sheriff of Pope County

I Joshua Ferguson, clerk of the circuit  
court in and for the county of Pope in the  
State of Arkansas do hereby certify that  
the forgoing six pages contain a true  
perfect and complete transcript of the  
Record in my office, and the Indictment  
and copies in the above entitled cause.

In testimony whereof I Josh Ferguson clerk of the said circuit  
court have hereunto set my hand and affixed the seal  
thereof at my office this 12th day of Nov. A.D. 1838.

Josh Ferguson—clerk