Wilson Foster maketh oath that the State is not ready for the trial of this ~~Cause~~ Case for want of the testimony of James W M Grayson James Simmons & Lucinda Gordon That the said James W M Grayson & James Simmons are under Recognizance as witnesses in this case, that the materiality of Lucinda as a witness was not known until at Wilkes Superior Court & that a Subpoena was issued at once for said Lucinda Gordon but that said Lucinda is unable to attend court on account of sickness to wit Typhoid fever as affiant is informed & believes that said James W M Grayson is a citizen of the State of Tennessee & is now attending the Sessions of the Legislature of Tennessee of which body he is a member at this time as affiant is informed & believes, That all of said Witnesses are material & necessary witnesses to the State in the prosecution of this case & are absent without his consent or procurement & that the State cannot safely go to trial without their evidence & he expects the State to have the benefit of their testimony at the next term of this Court, & this affidavit is not made for delay

Subscribed & Sworn to before me,
C L Simmons Clk

Wilson his X mark Foster