The missing court order is found

Anna Rodgers murder prosecution, Monroe County, Tennessee | Case No. 75

Documented disposition: retired docket, 13 May 1868. The Circuit Court ordered the case against John and William Kirkland and others removed from the active docket because repeated arrest process had been returned with the defendants not found. The court placed the case on the retired docket and ordered Tennessee to pay its costs. [C6]

This establishes an administrative disposition. The order does **not** record a trial verdict, acquittal, conviction, pardon, or a nolle prosequi in Case 75. No later reopening or final merits judgment was established by the search coverage described below.

The sequence the originals establish

January 1866: the indictment names five defendants and alleges the attack on Anna Rodgers on 12 March 1865. [C1]

14 September 1866: the prosecutor enters a nolle prosequi as to G. K. Roberts, conditional on securing costs. Roberts and William Dyer confess judgment for those costs. Another arrest writ is ordered for the remaining defendants. [C2]

7 and 11 September 1867: the deputy returns the arrest writ unexecuted; the minutes then order further process in the murder prosecution. [C3-C4]

14 January 1868: the court discontinues a separate robbery prosecution, No. 59, against John and William Kirkland and others. On the same page it orders another alias capias in **murder No. 75**. [C5]

13 May 1868: Case 75 is placed on the retired docket because the defendants have not been found. [C6]

Mexican War result

Fifth Tennessee service remains unproved. The original federal compiled-service sequence contains no Kirkland/Kirklin file between King and Kite. The similarly named federal index entries examined identify Louisiana or North Carolina units. They cannot be assigned to John Jackson Kirkland without independent identity evidence. [M1-M5]

Evidence assessment: direct contemporary court evidence for the procedural orders; negative military search evidence only. This investigation does not upgrade genealogical links, assign military service, or alter ancestor counts.

What the 13 May 1868 order says

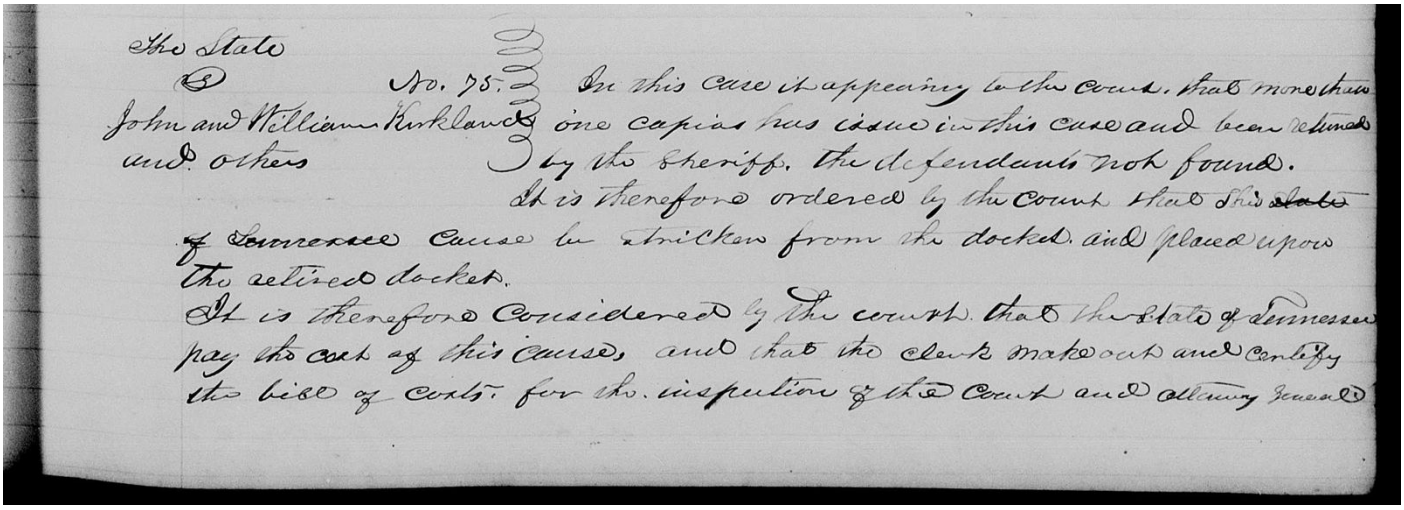
Monroe Circuit Court minutes, p. 23 | DGS 008478542, image 403 | Exhibit C6

Caption: The State v. John and William Kirkland and others. **No. 75.**

Reading transcription: Line breaks and punctuation normalized; canceled drafting words omitted. The scan remains the controlling source.

In this case it appearing to the Court, that more than one capias has issued in this case and been returned by the Sheriff, the defendants not found. It is therefore ordered by the Court that this cause be stricken from the docket and placed upon the retired docket. It is therefore considered by the Court, that the State of Tennessee pay the cost of this cause, and that the Clerk make out and certify the bill of costs, for the inspection of the Court and attorney General.

What this proves: the court took Case 75 off its active docket on that date because the arrest process had not secured the defendants. **What it does not prove:** that John killed Anna, that he was innocent, that he was convicted, or that a later reopening was legally impossible.


The State
&
John and William Kirkland
and others

No. 75.

In this case it appearing to the Court, that more than one capias has issue in this case and been returned by the Sheriff, the defendants not found.

It is therefore ordered by the Court that this ~~state~~ State of Tennessee cause be stricken from the docket and placed upon the retired docket.

It is therefore considered by the court that the State of Tennessee pay the cost of this cause, and that the clerk make out and certify the bill of costs for the inspection of the Court and Attorney General

Enlargement of the entry at the bottom of the right-hand page. The full, unaltered downloaded spread is reproduced in the exhibits and included in the original-scans archive.

Open the original manuscript image on FamilySearch

The Fifth Tennessee service check

Original federal compiled service records and general index cards, Mexican War

The earlier Argon lead relied on local recruitment and the proximity of a reported muster-out date to John Kirkland's 1848 marriage. Neither circumstance identifies him on a military record. An individual enlistment, muster, pay, discharge, pension, or bounty-land record is needed.

The correct film

The FamilySearch catalog identifies **NARA M638 roll 13** as Fifth Tennessee Infantry, surnames **A-K**: FHL film 882809, **DGS 005412812**. Roll 14 covers Fifth Infantry L-Z; roll 15 is Wheat's Mounted Volunteers. Argon's rolls 14-15 lead was misdirected for Kirkland. Catalog 315075

The browsed sequence reaches the final card of **William A. King at image 2559**, followed immediately by the jacket of **Alfred Kite at image 2560**. No Kirkland or Kirklin jacket appears in that alphabetical interval. Both images are preserved. [M1-M2]

The similar-name index records

John D. Kirkland: Company G, 1 Louisiana Infantry; second lieutenant. [M3]

John D. Kirkland: Company A, 3 Louisiana Militia Infantry; private. [M4]

J. H. Kirkland: reference card directing the reader to *Kirklin, Hampton*, Company A, 1 North Carolina Volunteers; private. [M5]

These cards describe other unit records. They do not supply a birth, residence, family, signature, or other identity link establishing that the subject was John Jackson Kirkland of Monroe County. A matching surname or initials is insufficient. The two Louisiana entries are not assumed here to be the same man as each other.

Conclusion and limits

No original record inspected establishes his Fifth Tennessee service. This is a bounded negative finding, not proof that he never served anywhere. A misplaced file, different surname spelling, or unexamined military series remains possible. These are later federal compiled-service and index cards derived from military records; they are not all original 1847 company muster sheets. No pension or bounty-land search is claimed as newly completed in this investigation.

Search coverage and source controls

What was checked, what remains open, and how to use the evidence

1866-1873 court minutes: DGS 008478542, catalog 82836. Reviewed the 77 returned Kirkland images and 18 additional Kinkland/Kirklin results, plus case-number and co-defendant searches. The manuscript index supplied additional page references. Automated transcriptions were used as finding aids; the decisive orders were read from the downloaded manuscript images.

Later screening: exact-name queries for John Kirkland, John Kirklin, Kirkland John, and William Kirkland in DGS 008478543 (1873-1880) and 008478544 (1880-1889) returned nine and three images respectively. All twelve were read; none established a reopening of Case 75. This was a targeted name search, not a page-by-page audit of those later books. The 1889-1904 minutes were not examined in this pass.

Remaining limit: no separate retired-docket register was retrieved. The official Tennessee microfilm inventory does not separately list one. Its survival or availability should not be assumed. Any claim of a later acquittal, conviction, pardon, or final dismissal requires another record. The 13 May 1868 order itself is now established.

Separate case warning: a 12 January 1870 order retires robbery No. 350, captioned J. Kirkland and Jo. Philips. It is preserved for comparison and must not be substituted for the 1868 disposition of Anna Rodgers murder No. 75. [C7]

Corrections to the earlier research

The relevant court minutes and M638 images were accessible online in the signed-in FamilySearch session. Claims that these checks necessarily required an offline pull were incorrect. The report now replaces speculation about Case 75's disposition with the actual dated order. It does not repeat the unsupported assertion that the defendants were never arrested or tried at any later time.

Catalogs and provenance

FamilySearch court-minute catalog 82836
TSLA Monroe County microfilm inventory, circuit section, printed p. 3
TeVA complete Case 75 packet, 13 images

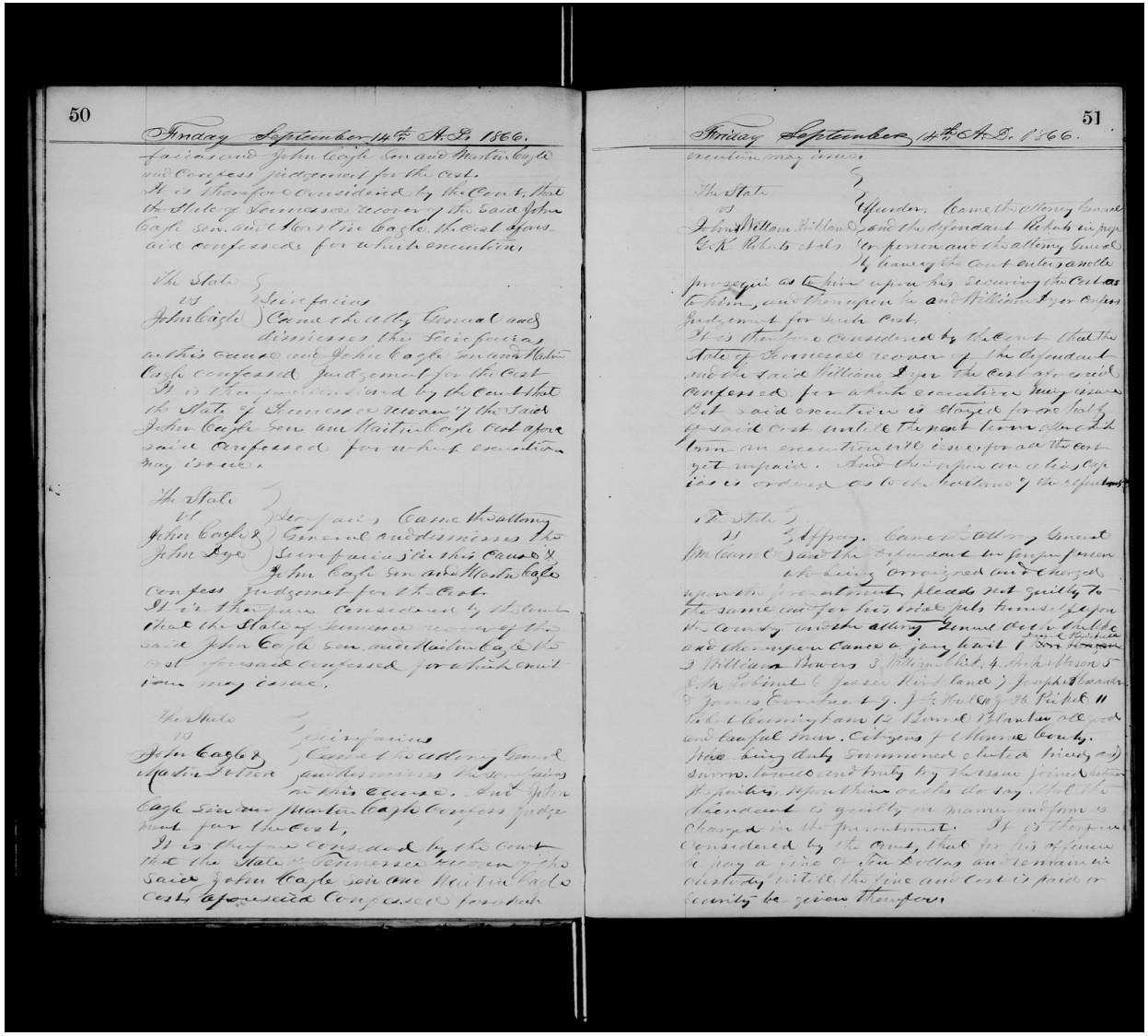
Court and military images were downloaded through the FamilySearch image viewer on 4 November 2026. The two TeVA images were re-read from previously saved local reproductions. Each exhibit below carries its original-image link. Full downloaded JPEGs accompany this report; SHA-256 checksums identify the preserved copies. Image enlargements are labeled and do not replace the originals.

Publication supplement to the controlling master, pp. 933-948. The previously retained indictment and arrest return [C1, C3] remain on pp. 811-812 and are not duplicated here. Original scan files and the complete research packet accompany this edition.

C2 | 14 September 1866: Roberts nolle prosequi

Monroe Circuit minutes, p. 51 (right leaf), DGS 008478542, image 73. The discontinuance is expressly as to Roberts; an alias capias is ordered for the balance.

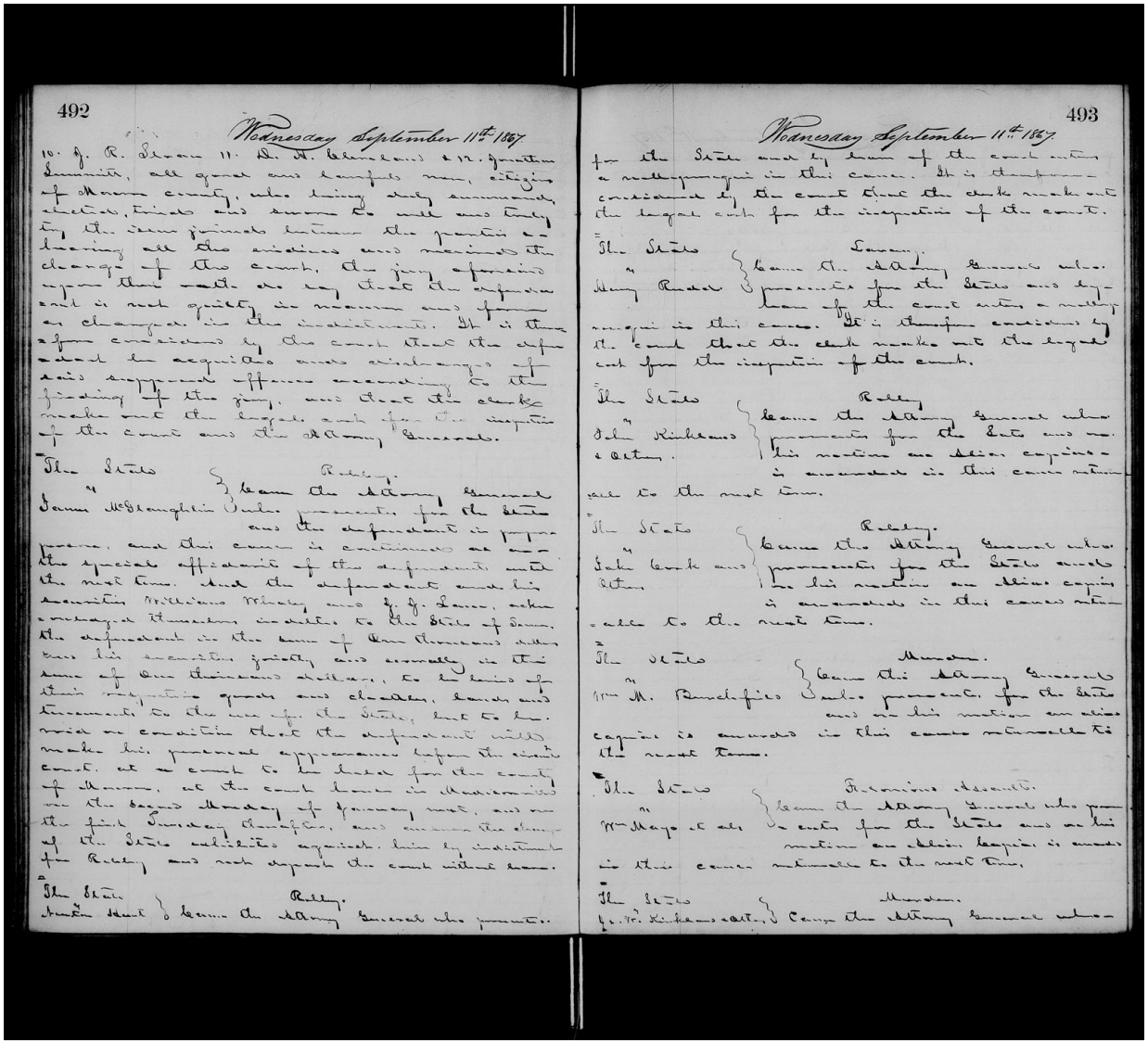
Original source image



C4a | 11 September 1867: renewed process, first part

DGS 008478542, image 296. Murder entry begins at the bottom of p. 493; continuation is at the top of p. 494 in the next image.

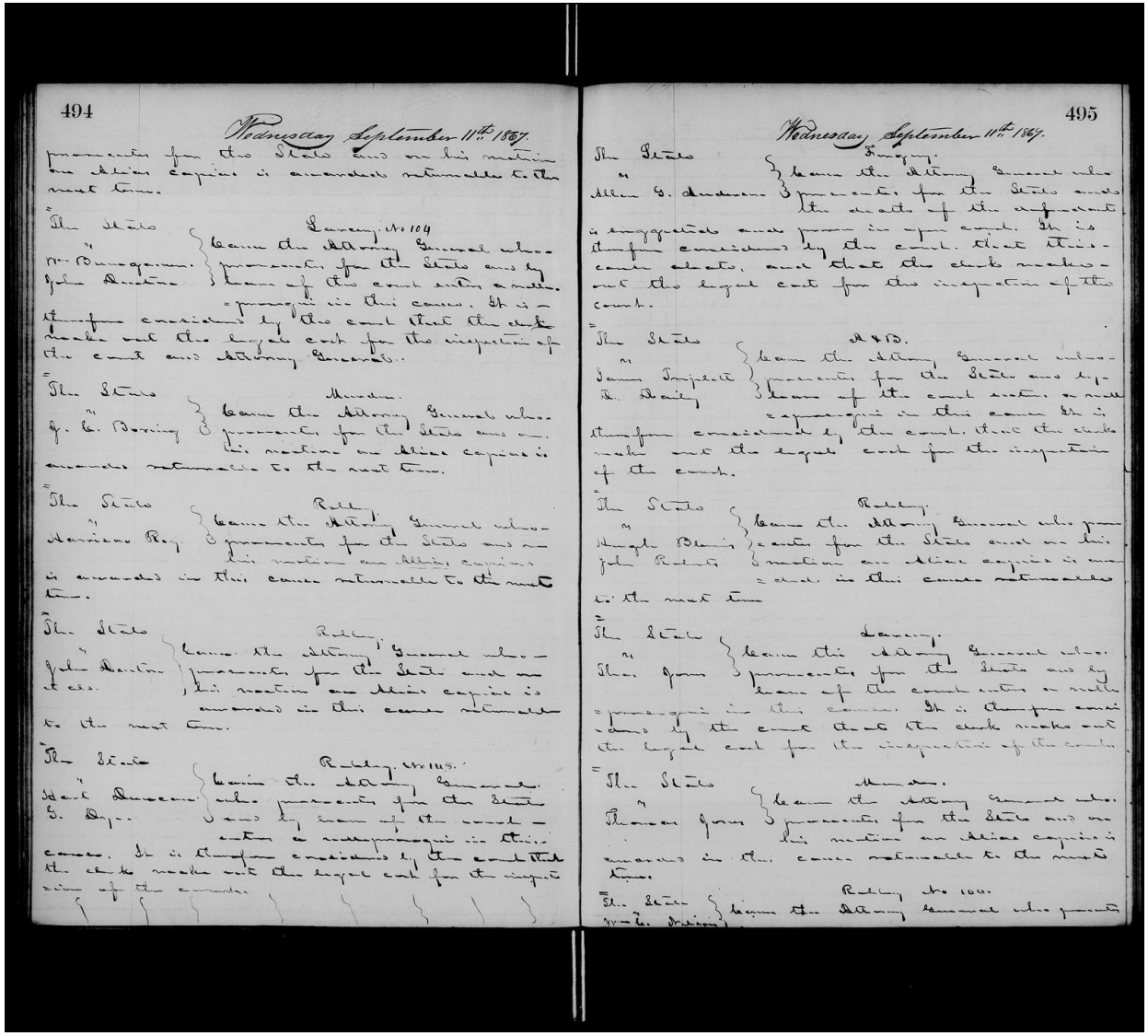
Original source image



C4b | 11 September 1867: renewed process, continuation

DGS 008478542, image 297. Top of p. 494 continues the murder entry and awards an alias capias returnable to the next term.

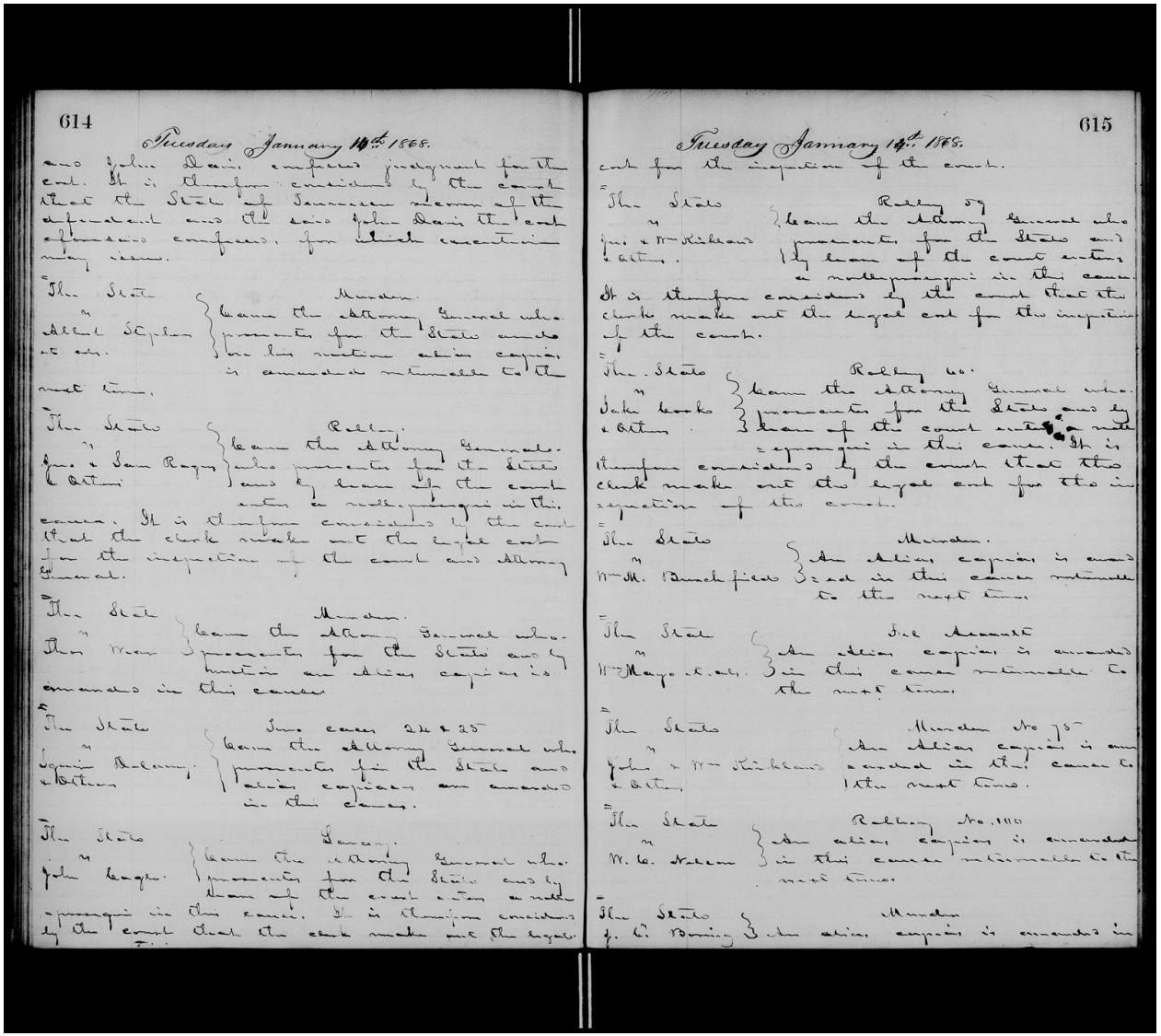
Original source image



C5 | 14 January 1868: two different cases

DGS 008478542, image 357, p. 615. Robbery No. 59 receives a nolle prosequi; murder No. 75 receives another alias capias. Do not conflate them.

Original source image



614

Tuesday January 14th 1868.

and John Doe confesses judgment for the cost. It is therefore considered by the court that the State of Tennessee recover of the defendant and the said John Doe the cost aforesaid confessed, for which execution may issue.

The State vs Alick Scipion et al. — Murder. Came the Attorney General who prosecutes for the State and the defendant in his custody is remanded to the next term.

The State vs Sam Rogers et al. — Robbery. Came the Attorney General who prosecutes for the State and by leave of the court enters a nolle prosequi in this cause. It is therefore considered by the court that the clerk make out the legal cost for the inspection of the court and Attorney General.

The State vs Thos Moore — Murder. Came the Attorney General who prosecutes for the State and by leave an alias capias is awarded in this cause.

The State vs Squire Delaney et al. — Two cases 24 & 25. Came the Attorney General who prosecutes for the State and alias capiases are awarded in this cause.

The State vs John Cooper — Larceny. Came the Attorney General who prosecutes for the State and by leave of the court enters a nolle prosequi in this cause. It is therefore considered by the court that the clerk make out the legal

615

Tuesday January 14th 1868.

cost for the inspection of the court.

The State vs Jno & Wm Kirkland et al. — Robbery 59. Came the Attorney General who prosecutes for the State and by leave of the court enters a nolle prosequi in this cause. It is therefore considered by the court that the clerk make out the legal cost for the inspection of the court.

The State vs Jake Cooks et al. — Robbery 60. Came the Attorney General who prosecutes for the State and by leave of the court enters a nolle prosequi in this cause. It is therefore considered by the court that the clerk make out the legal cost for the inspection of the court.

The State vs Wm M. Bunch fices — Murder. An alias capias is awarded and in this cause returnable to the next term.

The State vs Wm Mayo et al. — Ice Account. An alias capias is awarded in this cause returnable to the next term.

The State vs John & Wm Kirkland et al. — Murder No 75. An alias capias is awarded in this cause to the next term.

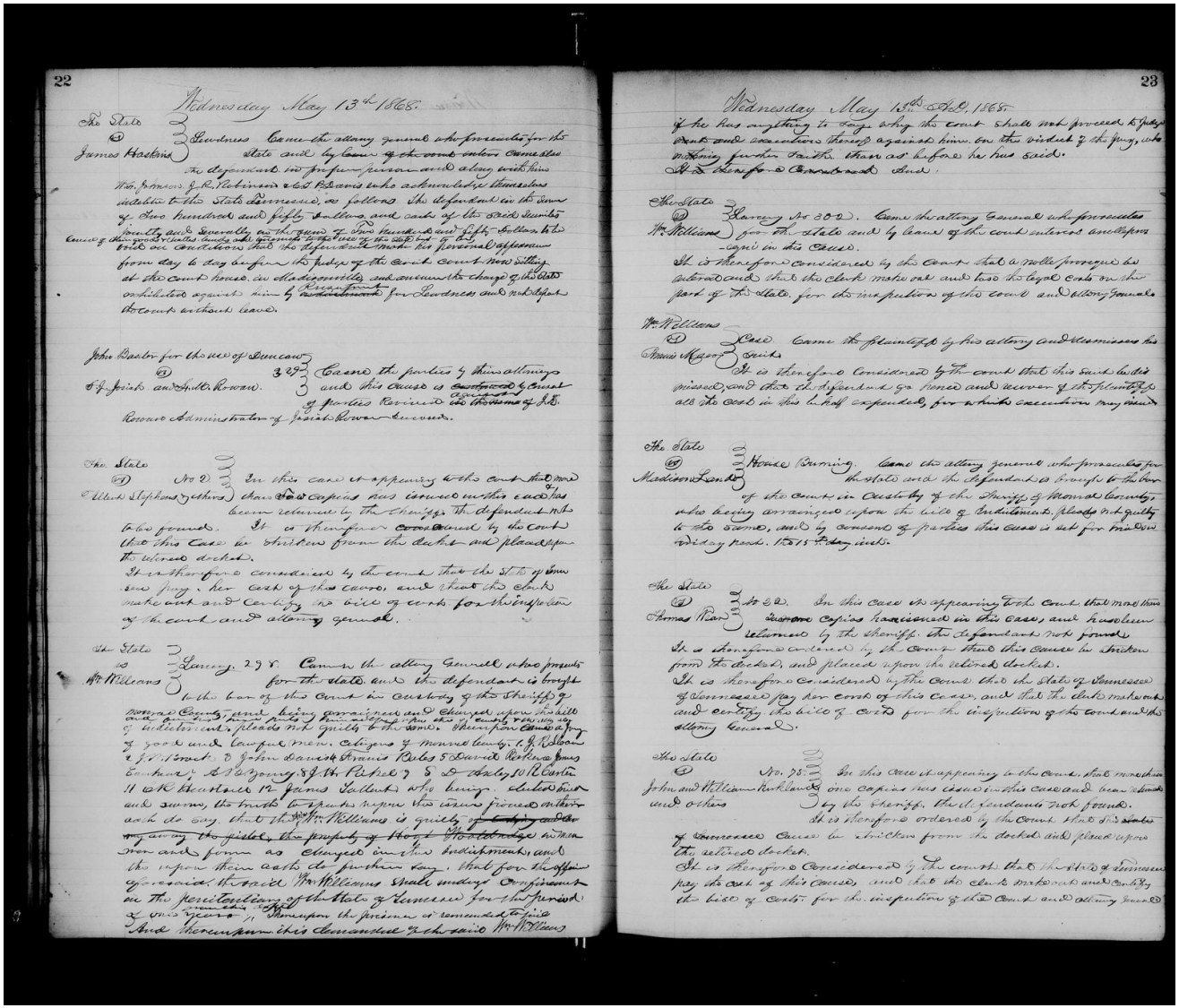
The State vs W. G. Nelson — Robbery No. 1110. An alias capias is awarded in this cause returnable to the next term.

The State vs J. C. Bowing — Murder. An alias capias is awarded in

C6 | 13 May 1868: Case 75 placed on retired docket

DGS 008478542, image 403, p. 23 (right leaf, bottom). The number 75 and John and William Kirkland are explicit. This is the disposition established by this investigation.

Original source image



Wednesday May 13th 1868.

The State vs James Hankins — Lewdness. Came the attorney general who prosecutes for the State and by leave of the court enters came also the defendant in his proper person and along with him Wm. Johnson J. R. Robinson & Geo. Davis who acknowledge themselves indebted to the State of Tennessee as follows. The defendant in the sum of Two hundred and fifty Dollars and each of the said sureties in the sum of One hundred and Twenty five Dollars to be void on condition that the defendant make his personal appearance from day to day and from the Judge of the Circuit Court now sitting at this Court House in Madisonville, and answer to charge of the State exhibited against him by Presentment for Lewdness and not depart the Court without leave.

John Baxter for the use of Duncan vs J. Josiah and Sidney Rowan. — Cause. The parties by their attorneys and this cause is [illegible] by consent of parties Revived in the name of the heirs of J. S. Rowan Administrator of Josiah Rowan deceased.

The State vs Ellick Stephens & others — No. 2. In this case it appearing to the Court that more than [illegible] Capias has issued in this cause and has been returned by the Sheriff the defendant not to be found. It is therefore ordered by the Court that this Case be stricken from the docket and placed upon the retired docket.

It is therefore considered by the court that the State of Tennessee pay her cost of this cause, and that the Clerk make out and certify the bill of costs for the inspection of the court and attorney general.

The State vs Wm Williams — Larceny. 278. Came the attorney General who prosecutes for the State and the defendant is brought to the bar of this Court in custody of the Sheriff of Roane County, and being arraigned and charged upon the bill of indictment pleads not guilty to the same. Thereupon came a jury of good and lawful men, citizens of Monroe County, to wit, G. J. Kilcoon, J. J. Elliott, B. John Daniel, Francis Boles, S. David Perkins, James Eastham, R. B. Young, S. J. H. Pickel, J. S. D. Daley, W. R. Curtis, W. R. Murdock, Jr. James Sellers who being elected tried and sworn, the truth to speak upon the issues joined between the said parties upon their oaths do say that the said Wm Williams is guilty of [illegible] in manner and form as charged in the bill of indictment, and upon their oaths do further say that for the offence aforesaid the said Wm Williams shall undergo confinement in the penitentiary of the State of Tennessee for the period of [illegible] years. Whereupon the prisoner is remanded to jail. And thereupon it is demanded of the said Wm Williams

Wednesday May 13th A.D. 1868.

if he has anything to say why the court shall not proceed to judgment and execution thereof against him. On this verdict of the jury, who nothing further saith than as before he has said. It is therefore considered and adjudged by the Court.

The State vs Wm Williams — Larceny No 300. Came the attorney General who prosecutes for the State and by leave of the court enters a nolle prosequi in this cause. It is therefore considered by the court that a nolle prosequi be entered and that the clerk make out and issue the legal costs in the part of the State for the inspection of the court and attorney General.

Wm Williams vs Francis Magee — Case. Came the plaintiff by his attorney and dismisses his suit. It is therefore considered by the court that this suit be dismissed and that the defendant go hence and recover of the plaintiff all the costs in this behalf expended, for which execution may issue.

The State vs Madison Landers — House Burning. Came the attorney general who prosecutes for the State and the defendant is brought to the bar of the court in custody of the Sheriff of Monroe County, who being arraigned upon the bill of indictment pleads not guilty to the same, and by consent of parties this cause is set for Monday Friday week. 15th inst.

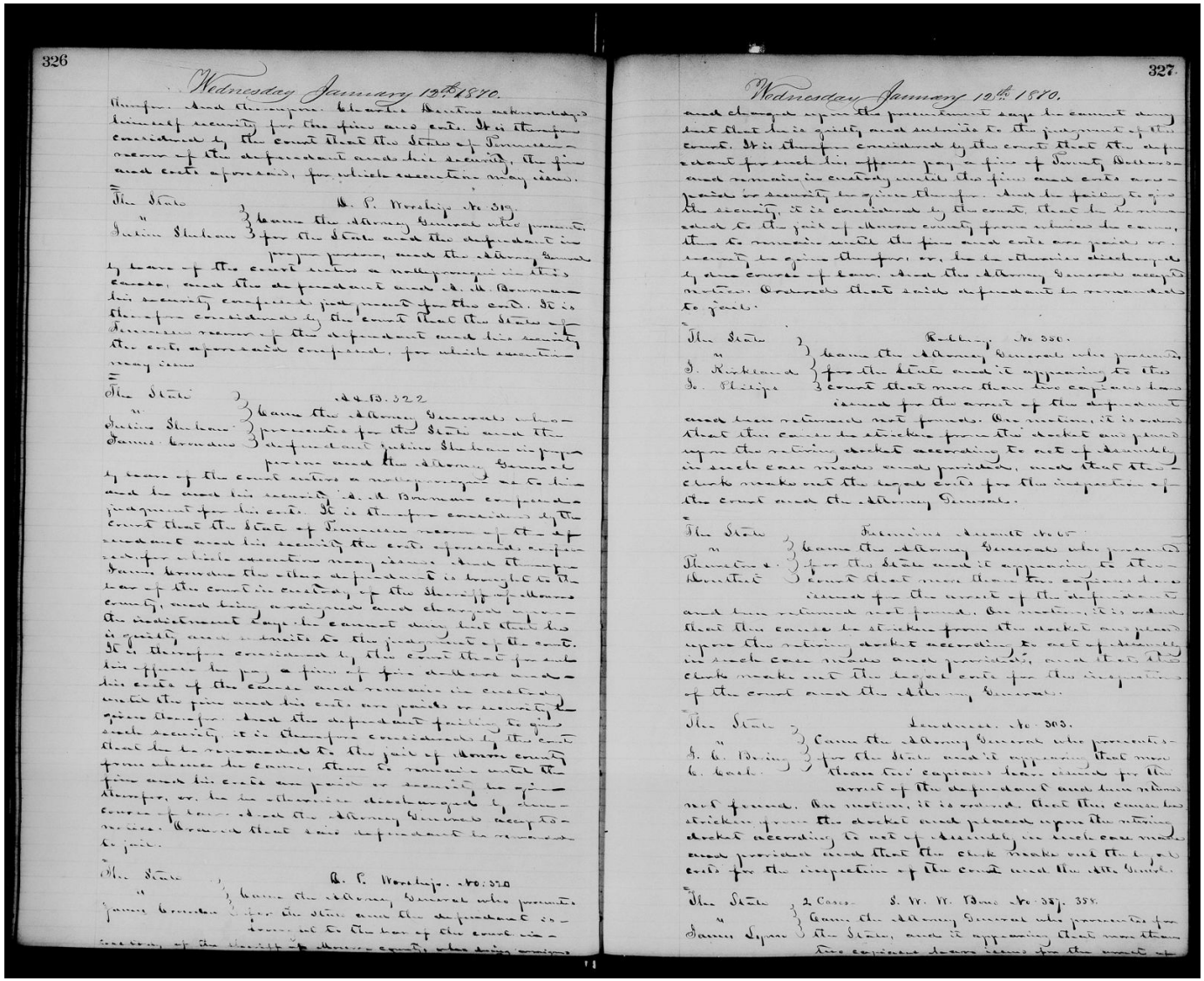
The State vs Thomas Ross — No 22. In this case it appearing to the Court that more than [illegible] Capias has issued in this case, and has been returned by the Sheriff. The defendant not found. It is therefore ordered by the court that this cause be stricken from the docket, and placed upon the retired docket. It is therefore considered by the court that the State of Tennessee pay her cost of this cause, and that the clerk make out and certify the bill of costs for the inspection of the court and the attorney General.

The State vs John and William Kirkland and others — No. 75. In this case it appearing to the court that more than one Capias has issued in this case and been returned by the Sheriff, the defendants not found. It is therefore ordered by the court that this [illegible] of Tennessee cause be stricken from the docket and placed upon the retired docket. It is therefore considered by the court that the State of Tennessee pay the cost of this cause, and that the clerk make out and certify the bill of costs for the inspection of the Court and Attorney General.

C7 | 12 January 1870: separate robbery case

DGS 008478542, image 556, p. 327. Caption J. Kirkland and Jo. Philips, robbery No. 350, placed on retiring docket. This is not Anna Rodgers Case 75.

Original source image



326

Wednesday January 12th 1870.

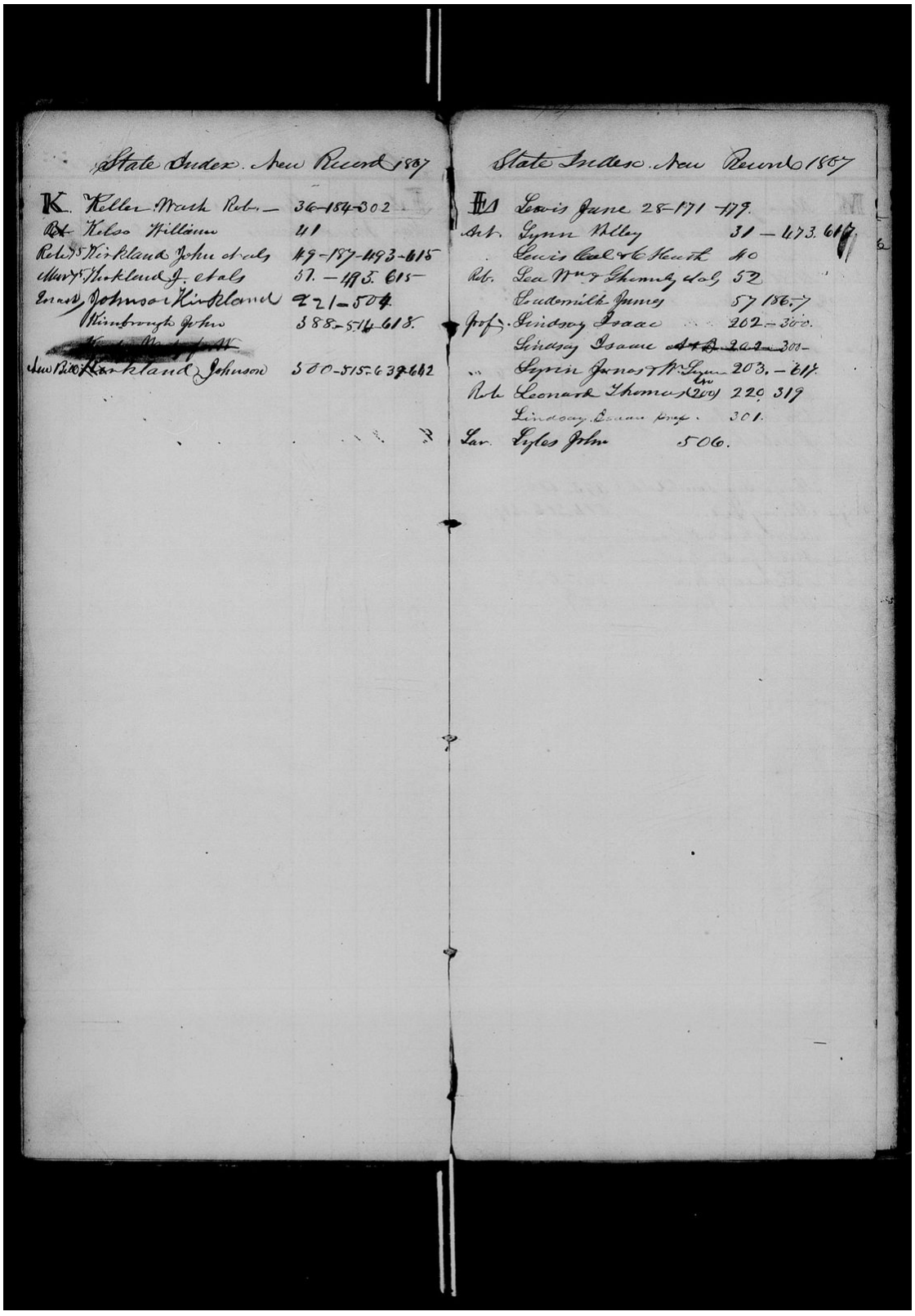
327

Wednesday January 10th 1870.

C8 | Manuscript K surname index

DGS 008478542, image 41. Separate lines for robbery and murder direct the reader to the respective minute entries.

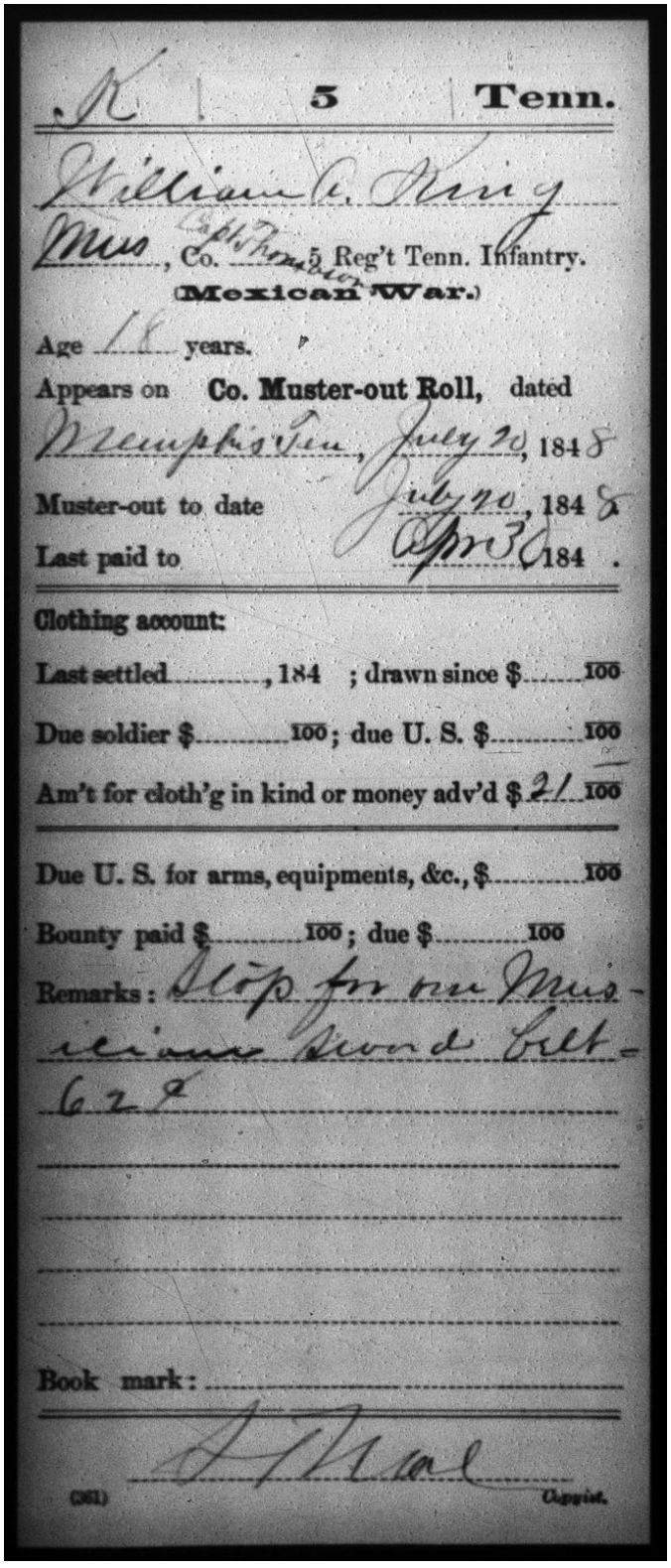
Original source image



M1 | Fifth Tennessee: William A. King, final card

NARA M638, roll 13; FamilySearch DGS 005412812, image 2559. Immediately precedes Alfred Kite. This card belongs to King, not John Kirkland.

Original source image



K | 5 | Tenn.

William A. King

Mus, Co. 5th Tenn. 5 Reg't Tenn. Infantry.

(Mexican War.)

Age 18 years.

Appears on Co. Muster-out Roll, dated

Memphis Ten, July 20, 1848

Muster-out to date July 20, 1848

Last paid to Apr 30, 184 .

Clothing account:

Last settled ....., 184 ; drawn since $ 100

Due soldier $ ..... 100; due U. S. $ 100

Am't for cloth'g in kind or money adv'd $ 21 100

Due U. S. for arms, equipments, &c., $ 100

Bounty paid $ ..... 100; due $ 100

Remarks: Stop for one Musicians Bounty Left - 62 2

Book mark: .....

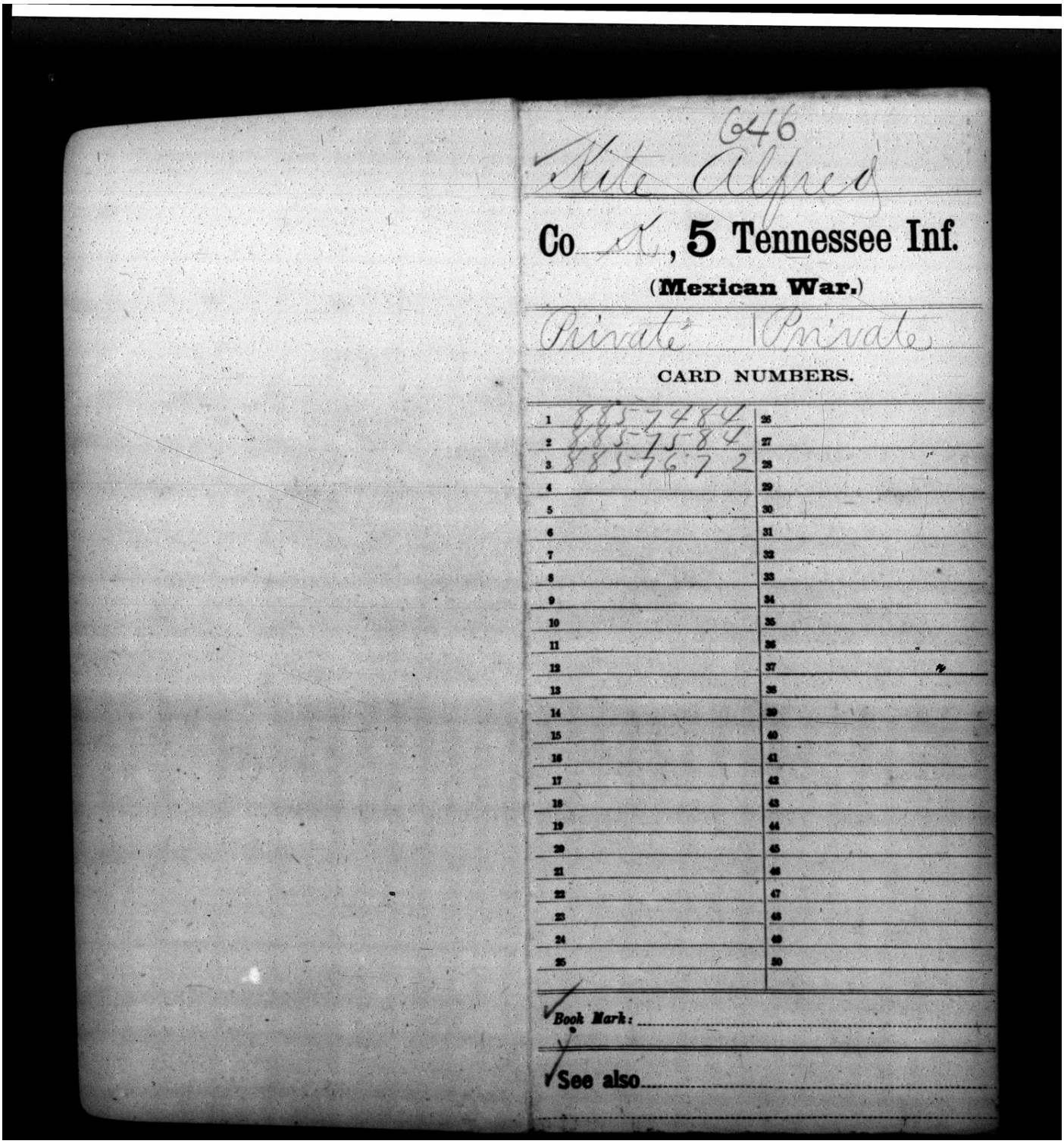
A Neal

(361) Copyist.

M2 | Fifth Tennessee: Alfred Kite jacket

NARA M638, roll 13; DGS 005412812, image 2560. No Kirkland/Kirklin folder intervenes between King and Kite in this sequence.

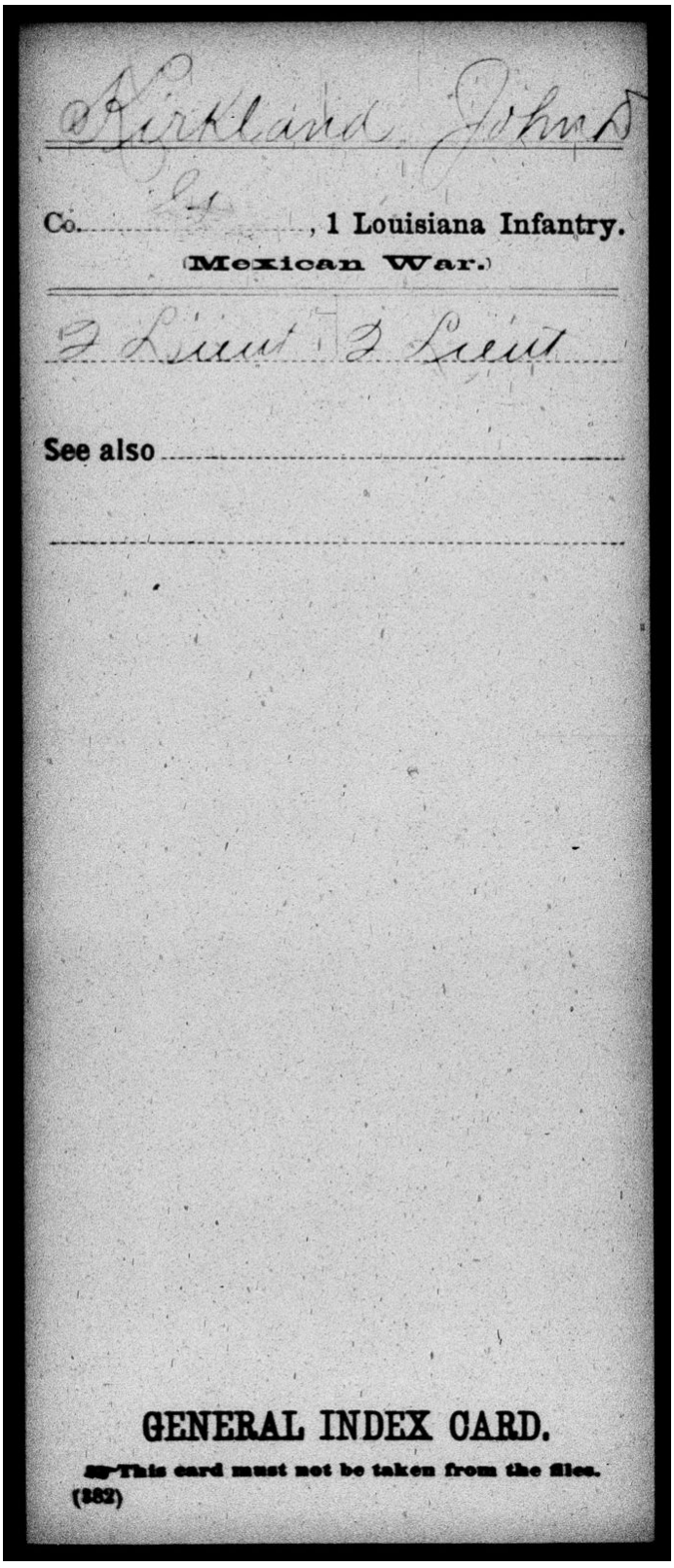
Original source image



M3 | Index: John D. Kirkland, Louisiana

Federal general index card: Company G, 1 Louisiana Infantry, second lieutenant. A Louisiana record, not proof of Fifth Tennessee service.

Original source image


Kirkland John D

Co. G, 1 Louisiana Infantry.

(Mexican War.)

2 Lieut 2 Lieut

See also

GENERAL INDEX CARD.

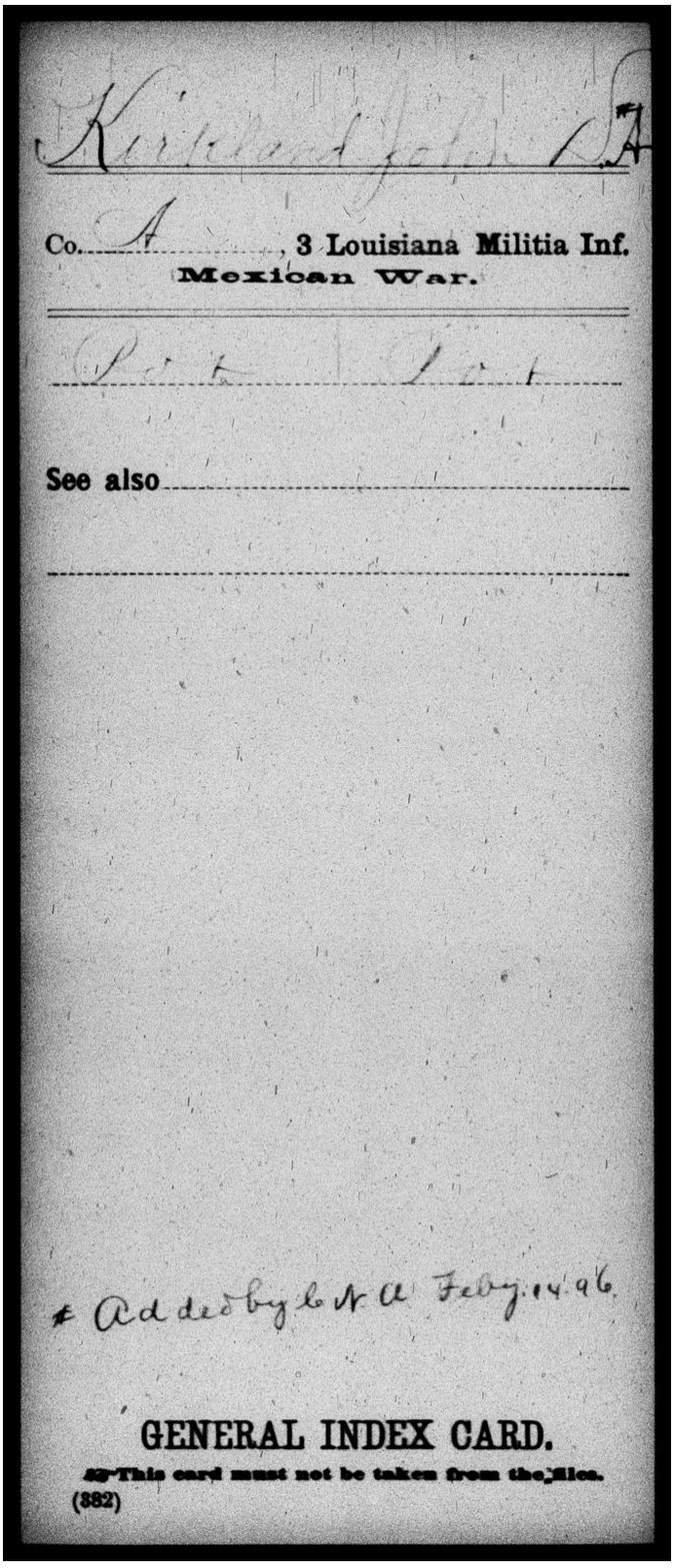
☞This card must not be taken from the files.

(882)

M4 | Index: John D. Kirkland, Louisiana militia

Federal general index card: Company A, 3 Louisiana Militia Infantry, private. Identity with the subject is not established.

Original source image



M5 | Index reference: J. H. Kirkland / Hampton Kirklin

Federal reference card directs the reader to an original filed under Kirklin, Hampton; Company A, 1 North Carolina Volunteers. No identity bridge to John Jackson Kirkland was found.

Original source image

